

AUTO CR - LOG SUMMARY #1075709

TYPE: CR

Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	SUSTAINED	BOIK, ROBERT	12-OCT-2017

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Third Party	MURPHY, CULLEN T	2615		018 /	SERGEANT OF POLICE	M	WHI		

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
16-JUN-2015 11:30 - 16-JUN-2015 03:30		2223	022	220 - GAS STATION	

Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	SIMMONS JR, DONALD	10635		018 /	POLICE OFFICER	OFF Duty	It is reported that the accused officer's weapon and star were stolen from his personal vehicle after he failed to secure the items properly.

Other Involved Parties

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Witness	CARROLL, EDWARD J	20262		620 /	PO AS DETECTIVE	M	WHI		

Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
Reporting Party Third Party	MURPHY, CULLEN T	CARROLL, EDWARD J	OTHER
Reporting Party Third Party	MURPHY, CULLEN T	SIMMONS JR, DONALD	EMPLOYER

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:			

Incident Category List

Incident Category	Primary?	Initial?
10L - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) WEAPON / AMMUNITION	Y	Y
10L - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) WEAPON / AMMUNITION	Y	N

Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
VANNA, ROBERT	M	CENTRAL INVESTIGATIONS SECTION	29-JAN-2016	05-FEB-2016		
MULLINGS, ZOILA	Primary	CENTRAL INVESTIGATIONS SECTION	10-FEB-2016	11-MAR-2016	11-FEB-2016	1
MULLINGS, ZOILA	Primary	CENTRAL INVESTIGATIONS SECTION	03-FEB-2016	04-MAR-2016	03-FEB-2016	0
MULLINGS, ZOILA	Primary	CENTRAL INVESTIGATIONS SECTION	01-FEB-2016	02-MAR-2016	02-FEB-2016	1
MULLINGS, ZOILA	Primary	CENTRAL INVESTIGATIONS SECTION	07-JUL-2015	02-FEB-2016	29-JAN-2016	206
WHITE, GLENN	Primary	CENTRAL INVESTIGATIONS SECTION	24-JUN-2015	24-JUL-2015	07-JUL-2015	13
MULLINGS, ZOILA	Primary	CENTRAL INVESTIGATIONS SECTION	08-MAR-2016	07-APR-2016	08-MAR-2016	0
VANNA, ROBERT	Supervisor	CENTRAL INVESTIGATIONS SECTION	08-MAR-2016	07-APR-2016	08-MAR-2016	
VANNA, ROBERT	Supervisor	CENTRAL INVESTIGATIONS SECTION	10-FEB-2016	11-MAR-2016	11-FEB-2016	
VANNA, ROBERT	Supervisor	CENTRAL INVESTIGATIONS SECTION	01-FEB-2016	02-MAR-2016	02-FEB-2016	
VANNA, ROBERT	Supervisor	CENTRAL INVESTIGATIONS SECTION	22-OCT-2015	21-NOV-2015	29-JAN-2016	
STEHLIK, JOSEPH	Supervisor	CENTRAL INVESTIGATIONS SECTION	24-JUN-2015	24-JUL-2015	07-JUL-2015	
O KELLY, PATRICK	Supervisor	CENTRAL INVESTIGATIONS SECTION	07-JUL-2015	06-AUG-2015	22-OCT-2015	
VANNA, ROBERT	Supervisor	CENTRAL INVESTIGATIONS SECTION	03-FEB-2016	04-MAR-2016	03-FEB-2016	

Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
MULLINGS, ZOILA	03-JAN-2016	02-FEB-2016		OTHER (DESCRIBE)	Investigation complete and submitted for approval.	27-JAN-2016	VANNA, ROBERT	28-JAN-2016	ok
MULLINGS, ZOILA	04-DEC-2015	03-JAN-2016		OTHER (DESCRIBE)	Case complete. However, need a second copy of video from Det Carroll because first copy will not open. Det. Carroll is on furlough until 28 Dec.	17-DEC-2015	VANNA, ROBERT	04-JAN-2016	
MULLINGS, ZOILA	04-NOV-2015	04-DEC-2015		OTHER (DESCRIBE)	Witness has been served and statement taken.	10-DEC-2015	VANNA, ROBERT	10-DEC-2015	
MULLINGS, ZOILA	05-OCT-2015	04-NOV-2015		OTHER (DESCRIBE)	Accused has been served.	07-OCT-2015	O KELLY, PATRICK	19-OCT-2015	
MULLINGS, ZOILA	05-SEP-2015	05-OCT-2015		OTHER (DESCRIBE)	Additional work required.	07-OCT-2015	O KELLY, PATRICK	19-OCT-2015	
MULLINGS, ZOILA	06-AUG-2015	05-SEP-2015		OTHER (DESCRIBE)	Additional work required.	07-OCT-2015	O KELLY, PATRICK	19-OCT-2015	

Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
SIMMONS JR, DONALD	2	The Complainant Police agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130 hours, the Chicago Police Department star, No. 8830, issued to the accused Police Officer Donald SIMMONS Jr., was taken from his vehicle. It is alleged that the accused failed to properly secure his Department issued star.	010 GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY)	MISUSE OF DEPARTMENT EQUIPMENT / SUPPLIES	SUSTAINED

Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
SIMMONS JR, DONALD	1	The complainant Police Agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.	10L IAD SUBCODE 10L	LOST / STOLEN WEAPON	SUSTAINED

Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
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Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/FINAL	04-DEC-2018 10:43	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING FINANCE DIVISION RESPONSE	18-OCT-2017 01:53	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER SUPERINTENDENT DECISION	12-OCT-2017 01:49	BOIK, ROBERT	SUPT'S CHIEF OF STAFF	111 /	
PENDING SUPERINTENDENT DECISION	30-AUG-2017 09:55	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING DISCIPLINARY SCREENING PROGRAM	30-AUG-2017 09:54	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER ACCUSED REQUEST	18-JUL-2016 09:00	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING ACCUSED APPEAL	20-JUN-2016 12:16	WELCH III, EDDIE	CHIEF	121 /	
PENDING ASSISTANT DEPUTY SUPERINTENDENT REVIEW	07-JUN-2016 10:26	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE SECOND REVIEW	07-JUN-2016 09:53	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER COMMAND CHANNEL (I.A.D.)	01-JUN-2016 02:04	RYAN, KEVIN	DEP CHIEF	211 /	
PENDING COMMAND CHANNEL REVIEW	19-APR-2016 01:03	DEVEREUX, GEORGE	COMMANDER	018 /	
PENDING COMMAND CHANNEL REVIEW	18-APR-2016 02:35	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	18-APR-2016 01:12	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW/INCIDENT (I.A.D./DISTRICT USE)	11-MAR-2016 02:56	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	09-MAR-2016 09:38	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	09-MAR-2016 07:11	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	08-MAR-2016 01:30	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING ADDITIONAL INVESTIGATION	08-MAR-2016 10:57	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	02-MAR-2016 08:29	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW/INCIDENT (I.A.D./DISTRICT USE)	16-FEB-2016 08:26	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	11-FEB-2016 01:00	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	11-FEB-2016 09:35	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	10-FEB-2016 11:08	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	03-FEB-2016 08:35	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	03-FEB-2016 08:34	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	03-FEB-2016 08:28	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	03-FEB-2016 07:17	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	02-FEB-2016 09:30	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	01-FEB-2016 07:57	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	29-JAN-2016 10:25	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	07-JUL-2015 11:30	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	ORIGINAL INV TRANSFERED

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PENDING INVESTIGATION	24-JUN-2015 09:05	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	23-JUN-2015 01:03	DUNN, BRENDA	SERGEANT OF POLICE	121 /	 Type Changed from INFO to CR on 23-JUN-2015 13:03 by DUNN, BRENDA
PENDING APPROVE TEAM	17-JUN-2015 07:18	BOYD, SHARON	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	16-JUN-2015 09:33	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PENDING SUPERVISOR REVIEW	16-JUN-2015 09:06	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	
PRELIMINARY	16-JUN-2015 08:52	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PRELIMINARY	16-JUN-2015 08:52	DEAN, BRUCE	SUPERVISING INV COPA	113 /	pax
PENDING SUPERVISOR REVIEW	16-JUN-2015 08:40	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	
PRELIMINARY	16-JUN-2015 08:19	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	INVESTIGATION					WHITE, GLENN	25-JUN-2015 02:05			
1	FACE SHEET					ADDINGTON, MARC	16-JUN-2015 08:19			
2	CONFLICT CERTIFICATION					WHITE, GLENN	25-JUN-2015 02:05			
3	DOCUMENTS - INVESTIGATION		1	Affidavit Not-Required	Y	MULLINGS, ZOILA	10-DEC-2015 01:06	APPROVED		
4	CONFLICT CERTIFICATION					MULLINGS, ZOILA	14-JUL-2015 09:47			
5	DOCUMENTS - INTAKE INCIDENT		1	1075709	N	ADDINGTON, MARC	16-JUN-2015 09:05	APPROVED		
6	DOCUMENTS - INVESTIGATION		3	Original Case Incident Report	N	MULLINGS, ZOILA	10-DEC-2015 01:35	APPROVED		
7	DOCUMENTS - INVESTIGATION		2	Copy of Administrative Message, Reference 218796 reporting accused Star and Duty Weapon taken in theft	N	MULLINGS, ZOILA	10-DEC-2015 01:39	APPROVED		
8	DOCUMENTS - INVESTIGATION		7	Case Supplementary Report	N	MULLINGS, ZOILA	10-DEC-2015 01:31	APPROVED		
9	DOCUMENTS - INVESTIGATION		2	Property Inventory	N	MULLINGS, ZOILA	10-DEC-2015 01:33	APPROVED		
10	DOCUMENTS - INVESTIGATION		1	Gun Registration report	N	MULLINGS, ZOILA	10-DEC-2015 01:41	APPROVED		
11	WITNESS NOTIFICATION					MULLINGS, ZOILA	19-OCT-2015 01:41	PENDING WITNESS ACKNOWLEDGEMENT		
12	DOCUMENTS - INVESTIGATION		5	Witness Report from Detective Carroll	Y	MULLINGS, ZOILA	10-DEC-2015 01:43	APPROVED		
13	DOCUMENTS - INVESTIGATION		1	Video footage from gas station	Y	MULLINGS, ZOILA	27-JAN-2016 10:31	APPROVED		
14	DOCUMENTS - INVESTIGATION		1	Review of video footage report	Y	MULLINGS, ZOILA	27-JAN-2016 10:33	APPROVED		
15	DOCUMENTS - INVESTIGATION		1	Additional video footage report	Y	MULLINGS, ZOILA	27-JAN-2016 10:35	APPROVED		
16	ACCUSED NOTIFICATION OF ALLEGATIONS	ACCUSED - SIMMONS JR, DONALD				WHITE, GLENN	30-JUN-2015 02:05	ACCUSED ACKNOWLEDGED ALLEGATIONS		
17	DOCUMENTS - INVESTIGATION		8	Statement from accused PO Simmons	Y	MULLINGS, ZOILA	10-DEC-2015 01:48	APPROVED		
18	DOCUMENTS - INVESTIGATION		15	Copy of directive U04-02	N	MULLINGS, ZOILA	28-JAN-2016 10:48	APPROVED		
19	DOCUMENTS - INVESTIGATION		4	Penalty Package	Y	MULLINGS, ZOILA	11-FEB-2016 09:32	APPROVED		
	DOCUMENTS - INVESTIGATION		8	Closing Package - duplicate	Y	MULLINGS, ZOILA	11-FEB-2016 09:34	DELETED		
	DOCUMENTS - INVESTIGATION		10	Closing Package	Y	MULLINGS, ZOILA	08-MAR-2016 12:40	APPROVED		
	DOCUMENTS - INVESTIGATION		2	Copy of directive U04-02, Section XVI	N	MULLINGS, ZOILA	27-JAN-2016 10:40	DELETED		
	DOCUMENTS - INVESTIGATION		4	Disciplinary Package revised	Y	MULLINGS, ZOILA	29-JAN-2016 10:11	DELETED		
	DOCUMENTS - ACCUSED APPEAL	ACCUSED - SIMMONS JR, DONALD	9	Settlement Agreement 018-016-010. Reduced penalty from 11 days to 10 day Suspension	N	HIXSON, BRIGID	30-AUG-2017 09:54	APPROVED		

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
	DOCUMENTS - ACCUSED APPEAL	ACCUSED - SIMMONS JR, DONALD	2	Accused elected to file Grievance seeking Binding Summary Opinion.	N	HIXSON, BRIGID	18-JUL-2016 08:59	APPROVED		
	DOCUMENTS - INVESTIGATION		10	Closing Package revised	Y	MULLINGS, ZOILA	29-JAN-2016 10:12	DELETED		

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
ASSISTANT DEPUTY SUPERINTENDENT REVIEW	SIMMONS JR, DONALD	SUBMITTED	WELCH III, EDDIE	CHIEF	121	20-JUN-2016 12:16	
ASSISTANT ADVOCATE REVIEW	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	07-JUN-2016 09:53	CCR concurred.
ASSISTANT ADVOCATE REVIEW		SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	18-APR-2016 01:12	CCR
LIEUTENANT REVIEW		SUBMITTED	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121	11-MAR-2016 02:56	
LIEUTENANT REVIEW		SUBMITTED	VANNA, ROBERT	LIEUTENANT OF POLICE	002	09-MAR-2016 09:38	
SERGEANT REVIEW		SUBMITTED	STEHLIK, JOSEPH	SERGEANT OF POLICE	121	09-MAR-2016 07:11	
ADVOCATE REVIEW		ADDITIONAL INVESTIGATION NEEDED	COSTELLO, ROBERT	LIEUTENANT OF POLICE	002	08-MAR-2016 10:57	A/I
ASSISTANT ADVOCATE REVIEW		SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	02-MAR-2016 08:29	Return for A/I
LIEUTENANT REVIEW		SUBMITTED	VANNA, ROBERT	LIEUTENANT OF POLICE	002	16-FEB-2016 08:26	Please change penalty to reflect 11 days instead of 10 days.
SERGEANT REVIEW		SUBMITTED	STEHLIK, JOSEPH	SERGEANT OF POLICE	121	11-FEB-2016 01:00	
LIEUTENANT REVIEW		RETURNED TO INVESTIGATOR	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121	10-FEB-2016 11:08	see klichowski
LIEUTENANT REVIEW		SUBMITTED	VANNA, ROBERT	LIEUTENANT OF POLICE	002	03-FEB-2016 08:35	
SERGEANT REVIEW		SUBMITTED	VANNA, ROBERT	LIEUTENANT OF POLICE	002	03-FEB-2016 08:34	
SERGEANT REVIEW		RETURNED TO INVESTIGATOR	STEHLIK, JOSEPH	SERGEANT OF POLICE	121	03-FEB-2016 07:17	Sgt. Vanna approved this investigation. Please submit the electronic file to him for approval.
SERGEANT REVIEW		RETURNED TO INVESTIGATOR	STEHLIK, JOSEPH	SERGEANT OF POLICE	121	01-FEB-2016 07:57	Re-submit this case to Sgt. Vanna.

Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
ADVOCATE OFFICE CLOSING STEPS	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	04-DEC-2018 10:43	Close to Records
FINANCE DIVISION RESPONSE	SIMMONS JR, DONALD	SUBMITTED	WALLER, KEISHA	POLICE OFFICER	122	03-DEC-2018 12:25	
FINANCE DIVISION RESPONSE	SIMMONS JR, DONALD	ACCEPTED/SAVED	WALLER, KEISHA	POLICE OFFICER	122	12-OCT-2018 09:05	Mailed susp to unit with dates 12 Oct 18.
FINANCE DIVISION RESPONSE	SIMMONS JR, DONALD	ACCEPTED/SAVED	WALLER, KEISHA	POLICE OFFICER	122	14-MAR-2018 07:43	Per Sgt. Ofc. is on medical. Will call when he returns to work.
FINANCE DIVISION RESPONSE	SIMMONS JR, DONALD	ACCEPTED/SAVED	WALLER, KEISHA	POLICE OFFICER	122	19-OCT-2017 11:01	Mailed susp. with dates 19 Oct 17. K.W.
FINANCE DIVISION RESPONSE	SIMMONS JR, DONALD	ACCEPTED/SAVED	WALLER, KEISHA	POLICE OFFICER	122	19-OCT-2017 10:54	Mailed susp. with dates to unit 19 Oct 17. K.W.
REVIEW AFTER SUPERINTENDENT DECISION	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	18-OCT-2017 01:53	
SUPERINTENDENT DECISION	SIMMONS JR, DONALD	SUBMITTED	BOIK, ROBERT	SUPT'S CHIEF OF STAFF	111	12-OCT-2017 01:49	
DISCIPLINARY SCREENING PROGRAM	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	30-AUG-2017 09:55	Settlement Agreement 018-16-010 reduced penalty from 11 days to 10 days.
DIRECT APPEAL TO SUPERINTENDENT	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	30-AUG-2017 09:54	
ADVOCATE OFFICE ACCUSED REVIEW	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	18-JUL-2016 09:00	Accused elected to file Grievance seeking Binding Summary Opinion.
ADVOCATE OFFICE ACCUSED REVIEW	SIMMONS JR, DONALD	SUBMITTED	HIXSON, BRIGID	POLICE OFFICER	121	20-JUN-2016 02:07	
ADVOCATE REVIEW	SIMMONS JR, DONALD	SUBMITTED	COSTELLO, ROBERT	LIEUTENANT OF POLICE	002	07-JUN-2016 10:26	
COMMAND CHANNEL REVIEW	SIMMONS JR, DONALD	SUBMITTED	RYAN, KEVIN	CAPTAIN OF POLICE	211	01-JUN-2016 02:04	
COMMAND CHANNEL REVIEW	SIMMONS JR, DONALD	SUBMITTED	DEVEREUX, GEORGE	DEP CHIEF	142	19-APR-2016 01:03	
ADVOCATE REVIEW	SIMMONS JR, DONALD	SUBMITTED	COSTELLO, ROBERT	LIEUTENANT OF POLICE	002	18-APR-2016 02:35	

Review Accused

Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	BOIK, ROBERT	12-OCT-2017 01:49			SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	BOIK, ROBERT	12-OCT-2017 01:49			SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	HIXSON, BRIGID	30-AUG-2017 09:55			SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	HIXSON, BRIGID	30-AUG-2017 09:55			SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	HIXSON, BRIGID	30-AUG-2017 09:54			SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	HIXSON, BRIGID	30-AUG-2017 09:54			SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	WELCH III, EDDIE	20-JUN-2016 12:16		Y	SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	WELCH III, EDDIE	20-JUN-2016 12:16		Y	SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	RYAN, KEVIN	01-JUN-2016 02:04	Y	Y	SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	RYAN, KEVIN	01-JUN-2016 02:04	Y	Y	SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	DEVEREUX, GEORGE	19-APR-2016 01:03	Y	Y	SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	DEVEREUX, GEORGE	19-APR-2016 01:03	Y	Y	SUSTAINED	
SIMMONS JR, DONALD	2. The Complainant Police agent Zoila MULLINGS, star 3231, alle...	WHITE, GLENN	07-JUL-2015 11:30			SUSTAINED	
SIMMONS JR, DONALD	1. The complainant Police Agent Zoila MULLINGS, star 3231, alle...	WHITE, GLENN	07-JUL-2015 11:30			SUSTAINED	

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
SIMMONS JR, DONALD	BOIK, ROBERT	12-OCT-2017 01:49			SUSPENSION 10 Day(s)	
SIMMONS JR, DONALD	HIXSON, BRIGID	30-AUG-2017 09:55			SUSPENSION 10 Day(s)	
SIMMONS JR, DONALD	WELCH III, EDDIE	20-JUN-2016 12:16		Y	SUSPENSION 10 Day(s)	
SIMMONS JR, DONALD	RYAN, KEVIN	01-JUN-2016 02:04	Y	Y	SUSPENSION 10 Day(s)	
SIMMONS JR, DONALD	DEVEREUX, GEORGE	19-APR-2016 01:03	Y	Y	SUSPENSION 10 Day(s)	
SIMMONS JR, DONALD	VANNA, ROBERT	03-FEB-2016 08:34			SUSPENSION 10 Day(s)	

Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
SIMMONS JR, DONALD	The Complainant Police agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, a [REDACTED] Illinois, at approximately 1130 hours, the Chicago Police Department star, No. 8830, issued to the accused Police Officer Donald SIMMONS Jr., was taken from his vehicle. It is alleged that the accused failed to properly secure his Department issued star.	010 GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY)		SUSTAINED	

Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
SIMMONS JR, DONALD	The complainant Police Agent Zoila MULLINGS, star 3231 alleges that on 16 June 2015, at [REDACTED] Illinois, at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.	10L IAD SUBCODE 10L		SUSTAINED	

FACE SHEET (Notification Date: 16-JUN-2015) - LOG #1075709

TYPE: CR

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Third Party	MURPHY, CULLEN T	2615		018 /	SERGEANT OF POLICE	M	WHI		

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
16-JUN-2015 11:30 - 16-JUN-2015 03:30		2223	022	220 - GAS STATION	

Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	SIMMONS JR, DONALD	10635		018 /	POLICE OFFICER	OFF Duty	It is reported that the accused officer's weapon and star were stolen from his personal vehicle after he failed to secure the items properly.

Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

Initial Incident Category List

Initial Incident Category	Primary?
10L - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) WEAPON / AMMUNITION	Y
10L - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) WEAPON / AMMUNITION	Y

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (SUPERVISOR)	08-MAR-2016 10:57	COSTELLO, ROBERT	
IAD	CENTRAL INVESTIGATIONS SECTION	MULLINGS, ZOILA (PRIMARY INV)	08-MAR-2016 10:57	COSTELLO, ROBERT	
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (SUPERVISOR)	10-FEB-2016 11:08	KLICHOWSKI, GREGORY	
IAD	CENTRAL INVESTIGATIONS SECTION	MULLINGS, ZOILA (PRIMARY INV)	10-FEB-2016 11:08	KLICHOWSKI, GREGORY	
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (SUPERVISOR)	03-FEB-2016 07:17	STEHLIK, JOSEPH	
IAD	CENTRAL INVESTIGATIONS SECTION	MULLINGS, ZOILA (PRIMARY INV)	03-FEB-2016 07:17	STEHLIK, JOSEPH	
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (SUPERVISOR)	01-FEB-2016 07:57	STEHLIK, JOSEPH	
IAD	CENTRAL INVESTIGATIONS SECTION	MULLINGS, ZOILA (PRIMARY INV)	01-FEB-2016 07:57	STEHLIK, JOSEPH	
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (other)	29-JAN-2016 12:31	STEHLIK, JOSEPH	
IAD	CENTRAL INVESTIGATIONS SECTION	VANNA, ROBERT (SUPERVISOR)	22-OCT-2015 08:32	MELEAN, FREDERICK	
IAD	CENTRAL INVESTIGATIONS SECTION	O KELLY, PATRICK (SUPERVISOR)	07-JUL-2015 11:32	TIERNEY, JOHN	
IAD	CENTRAL INVESTIGATIONS SECTION	MULLINGS, ZOILA (PRIMARY INV)	07-JUL-2015 11:30	TIERNEY, JOHN	
IAD	CENTRAL INVESTIGATIONS SECTION	WHITE, GLENN (PRIMARY INV)	24-JUN-2015 09:05	TIERNEY, JOHN	

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	CENTRAL INVESTIGATIONS SECTION	STEHLIK, JOSEPH (SUPERVISOR)	24-JUN-2015 09:05	TIERNEY, JOHN	
IAD	CENTRAL INVESTIGATIONS SECTION	-	17-JUN-2015 07:18	BOYD, SHARON	
IAD	INTERNAL AFFAIRS DIVISION	-	16-JUN-2015 20:19	ADDINGTON, MARC	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
CLOSED/FINAL	04-DEC-2018 10:43	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING FINANCE DIVISION RESPONSE	18-OCT-2017 01:53	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER SUPERINTENDENT DECISION	12-OCT-2017 01:49	BOIK, ROBERT	SUPT'S CHIEF OF STAFF	111 /	
PENDING SUPERINTENDENT DECISION	30-AUG-2017 09:55	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING DISCIPLINARY SCREENING PROGRAM	30-AUG-2017 09:54	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER ACCUSED REQUEST	18-JUL-2016 09:00	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING ACCUSED APPEAL	20-JUN-2016 12:16	WELCH III, EDDIE	CHIEF	121 /	
PENDING ASSISTANT DEPUTY SUPERINTENDENT REVIEW	07-JUN-2016 10:26	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE SECOND REVIEW	07-JUN-2016 09:53	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW AFTER COMMAND CHANNEL (I.A.D.)	01-JUN-2016 02:04	RYAN, KEVIN	DEP CHIEF	211 /	
PENDING COMMAND CHANNEL REVIEW	19-APR-2016 01:03	DEVEREUX, GEORGE	COMMANDER	018 /	
PENDING COMMAND CHANNEL REVIEW	18-APR-2016 02:35	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	18-APR-2016 01:12	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	11-MAR-2016 02:56	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	09-MAR-2016 09:38	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	09-MAR-2016 07:11	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	08-MAR-2016 01:30	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING ADDITIONAL INVESTIGATION	08-MAR-2016 10:57	COSTELLO, ROBERT	SERGEANT OF POLICE	121 /	
PENDING ADVOCATE REVIEW	02-MAR-2016 08:29	HIKSON, BRIGID	POLICE OFFICER	121 /	
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	16-FEB-2016 08:26	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	11-FEB-2016 01:00	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	11-FEB-2016 09:35	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	10-FEB-2016 11:08	KLICHOWSKI, GREGORY	LIEUTENANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	03-FEB-2016 08:35	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING LIEUTENANT REVIEW	03-FEB-2016 08:34	VANNA, ROBERT	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	03-FEB-2016 08:28	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	03-FEB-2016 07:17	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	02-FEB-2016 09:30	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	01-FEB-2016 07:57	STEHLIK, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING INVESTIGATIVE REVIEW	29-JAN-2016 10:25	MULLINGS, ZOILA	POLICE AGENT	121 /	
PENDING INVESTIGATION	07-JUL-2015 11:30	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	ORIGINAL INV TRANSFERED
PENDING INVESTIGATION	24-JUN-2015 09:05	TIERNEY, JOHN	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	23-JUN-2015 01:03	DUNN, BRENDA	SERGEANT OF POLICE	121 /	 Type Changed from INFO to CR on 23-JUN-2015 13:03 by DUNN, BRENDA
PENDING APPROVE TEAM	17-JUN-2015 07:18	BOYD, SHARON	POLICE OFFICER	121 /	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PENDING ASSIGN TEAM	16-JUN-2015 09:33	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PENDING SUPERVISOR REVIEW	16-JUN-2015 09:06	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	
PRELIMINARY	16-JUN-2015 08:52	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PRELIMINARY	16-JUN-2015 08:52	DEAN, BRUCE	SUPERVISING INV COPA	113 /	pax
PENDING SUPERVISOR REVIEW	16-JUN-2015 08:40	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	
PRELIMINARY	16-JUN-2015 08:19	ADDINGTON, MARC	INVESTIGATOR I COPA	113 /	

018th District

16 June 2015

To: George DEVEREUX
Commander
018th District

From Cullen Murphy #2615
Sergeant
018th District

Subject: Initiation Report – CL#1075709

Date/Time: 16 June 2015/1130hrs-1530hrs

RD#: [REDACTED]

Location: [REDACTED]

Accused#: P.O. SIMMONS, Donald #8830, Employee [REDACTED] Unit: 018, M/1/43,
DOB/ [REDACTED]

Allegations: Failure to secure duty weapon and star.

On today's date, the accused reported to the 018th District in order to report the theft of CPD star #8830 and his duty weapon, Smith and Wesson M&P 9mm SER [REDACTED] Black 4inch bbl. The facts were recorded under RD [REDACTED]

At 2015hr, R/Sgt notified IPRA and obtained CL# 1075709 from Addington #177.



Sgt C. Murphy #2615



BUREAU OF INTERNAL AFFAIRS
Investigations Division

CL #1075709
22 January 2016

TO: Commanding Officer
Area South
Investigations Division

FROM: Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

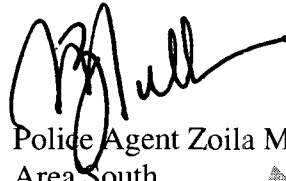
SUBJECT: Review of Video Footage

- ALLEGATIONS:
1. The complainant Police Agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.
 2. The Complainant Police agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] Chicago, Illinois, at approximately 1130 hours, the Chicago Police Department star, No. 8830, issued to the accused Police Officer Donald SIMMONS Jr., was taken from his vehicle. It is alleged that the accused failed to properly secure his Department issued star.

Detective Edward CARROLL, star 20262, submitted for the record, a copy of the video footage of the theft of the accused officer's duty weapon and Department issued star which occurred on 16 June 2015. Detective CARROLL was assigned to investigate the theft incident.

The Reporting Agent reviewed the video footage of the alleged incident which was provided by Detective CARROLL. The Reporting Agent observed the incident as follows: The accused drove up to the gas pump at the alleged location at 1128 hours in a white vehicle, and got out of his vehicle leaving the drivers' door open. The Reporting Agent observed the accused attempt to use his credit card at the pump and while doing this, the Reporting Agent observed a male black who was sitting in the passenger seat of a vehicle parked parallel the accused vehicle on the other side of the pump looking directly into the accused vehicle through the open door. After not being able to use his credit card the accused closed his drivers side door and walked towards the store as he pressed the remote key to arm his vehicle. The rear lights on the vehicle flashed twice. At 1129 hours, the male black exited the passenger side of his vehicle open the drivers' side door of the accused via the door handle, and entered the accused vehicle. A few seconds

later, the male black exited the accused vehicle with a black object in his hand, and walk back to the passenger side of the vehicle he was in prior leaving the accused vehicle driver side door slightly cracked. At this point, the Reporting Agent observed the male black throw the black object through the window of the vehicle he was in, get into the vehicle, and the vehicle sped off. A short time later the accused returned to his vehicle pumped his gas, open his drivers' side door (without the use of the remote), and drive off. Based on what the Reporting Agent observed on the video footage, the accused at this point did not appear to realize that someone had entered his vehicle or that something had been taken from his vehicle.



Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

BUREAU OF INTERNAL AFFAIRS
Investigations Division

CL #1075709
22 January 2016

TO: Commanding Officer
Area South
Investigations Division

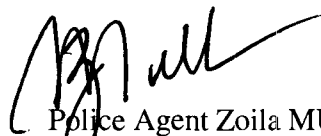
FROM: Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

SUBJECT: Review of Video Footage

- ALLEGATIONS:
1. The complainant Police Agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.
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Detective Edward CARROLL, star 20262, submitted for the record, a copy of the video footage of the theft of the accused officer's duty weapon and Department issued star which occurred on 16 June 2015. Detective CARROLL was assigned to investigate the theft incident.

The Reporting Agent downloaded the video on to her Thumb Drive with the aid of the Bureau of the Internal Affairs technical support officer Steve BURNE. The Reporting Agent attempted to view the video footage in December of 2015, at which point she realized that she could not open the downloaded footage. The Reporting Agent contacted Area south to request a second copy of the footage from Detective CARROLL but was informed that Detective CARROLL was on furlough until 28 December 2015. On 21 December 2015, the Reporting Agent went on furlough and due to unforeseen circumstances it was not until 22 January 2016, that the Reporting Agent was able to get a working copy of the video footage recording the theft of the accused duty weapon and star from Detective CARROLL.



Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

**DEPARTMENT APPROVED WEAPONS AND AMMUNITION**

ISSUE DATE:	27 December 2013	EFFECTIVE DATE:	27 December 2013
RESCINDS:	14 June 2012 Version		
INDEX CATEGORY:	Uniform and Personal Equipment		

I. PURPOSE

This directive:

- A. provides specifications relative to semiautomatic pistols, revolvers, subcompact semiautomatic pistols, carbines, shotguns, ammunition, pistol mounted lights, OC spray, and Tasers for sworn members.
- B. outlines the firearm transition process.
- C. delineates Department approved firearms.
- D. continues the use of:
 - 1. Certifying Statement-Firearms Form (CPD-11.702),
 - 2. Firearms Purchase Authorization/Sworn Members (CPD-31.220),
 - 3. Firearms Disposition Form (CPD-31-610),
 - 4. Firearms Registration Application (CPD-31.562),
 - 5. Affidavit of Employment (CPD-31.563),
 - 6. the Firearms Training and Certification available through ICLEAR, and
 - 7. the Firearm Loan Receipt (CPD-63.344).

II. POLICY

- A. Sworn members may only arm themselves with the firearms, ammunition, aerosol devices, pistol mounted lights, and Taser devices as specifically approved by this directive.
- B. Any other weapon as described in 720 ILCS 5/24-1 or 720 ILCS 5/33A-1 is strictly prohibited.
- C. While sworn members are permitted to carry firearms during nonduty hours, they are instructed to refrain from doing so when there is a likelihood that they will be consuming alcoholic beverages or medications which may impair their physical and/or mental abilities. Nothing in this policy statement is to be construed as diminishing a sworn member's responsibility to take appropriate police action, which can be as little as summoning the police for help, when observing a crime in progress.
- D. A sworn member will not lend his firearm to any other person nor will a sworn member possess or carry a firearm registered to another person except as authorized by the Deputy Chief, Education and Training Division. During an emergency situation, however, a sworn member may lend his firearm to another sworn member or person who has been summoned to assist him in the performance of his official duty.
- E. The Department will offer training to ensure that weapons are safely handled and used in accordance with local, state, and federal laws and Department policy.
- F. Department members must qualify annually with all prescribed, alternate prescribed, or auxiliary firearms, shotguns, Taser devices, and short-barreled revolvers prior to carrying the firearm on or off duty. The Education and Training Division will maintain a record of all weapons a Department member is approved to carry.

- G. Department members will possess a valid Firearm Owner's Identification Card (FOID).

NOTE: Members will provide proof of a valid FOID card during the annual prescribed weapon qualification.

- H. Sworn members will register all duty and nonduty firearms with the Department.

III. GENERAL INFORMATION

- A. The prescribed firearm for all sworn members hired on or before 01 December 1991 is a Department approved revolver or semiautomatic pistol. Department members hired on or before 01 December 1991 electing to carry an approved semiautomatic pistol as their prescribed firearm must first successfully complete a firearm transition process.
- B. The prescribed firearm for all sworn members hired after 01 December 1991 is a Department approved semiautomatic pistol.
- C. Department members may transition to a Department approved striker-fired semiautomatic pistol. A transition to a revolver as a prescribed firearm will not be permitted.
- D. Department members will not be required to transition to a new firing system in order to comply with this directive.
- E. Authorized Department members can access current approved Firearms Training and Certification of all members by logging onto the CLEAR system.

IV. AUTHORIZATIONS AND RESTRICTIONS FOR FIREARMS AND EQUIPMENT

The following provisions apply only to firearms intended to be used in the performance of police-related duties:

- A. Uniformed sworn members will:
1. carry their prescribed firearm or alternate prescribed firearm in a Department-approved holster.
 2. for exposed firearms, wear a Department-approved holster attached only to the trouser or equipment belt.
 3. not carry more than two exposed firearms.
- B. When in citizen's dress, members will carry their firearms and extra ammunition in Department-approved holsters and ammunition carriers.
- C. The appropriate bureau chief or exempt member of the Office of the Superintendent may authorize the use of additional weapons / ammunition by specialized units within the Department. This authorization will be in the form of a To-From-Subject report. Copies of the authorization will be maintained in each bureau with one copy forwarded to the Education and Training Division.

NOTE: The To-From-Subject report will provide justification for the use of the additional weapons/ammunition and a recommended certification procedure to be administered by the Education and Training Division.

V. FIREARM TRANSITION PROCESS

- A. Department members who elect to transition from their prescribed revolver to a striker-fired semiautomatic firearm will be required to successfully complete a firearm transition process as determined by the Deputy Chief, Education and Training Division.

NOTE: Department members who elect to transition from their prescribed revolver to a semiautomatic firearm as their prescribed weapon will not be allowed to revert to the revolver as their prescribed weapon once they complete the transition process. However, Department members will be approved to utilize their revolver as an alternate prescribed weapon or auxiliary weapon upon completion of existing training.

- B. Department members who elect to transition from their prescribed CFS or DAO semiautomatic pistol to a striker-fired semiautomatic firearm will be required to successfully complete a firearm transition process as determined by the Deputy Chief, Education and Training Division.
- C. Department members who elect to carry a striker-fire semiautomatic pistol as an auxiliary or alternate weapon but do not elect to transition from their prescribed weapon must comply with all the requirements of the transition process and attend the appropriate training.

NOTE: The Education and Training Division will notify Department members when the firearm transition process is available. All transition courses will be available on a voluntary basis during off-duty hours.

VI. REPLACEMENT, TRANSFER, AND REGISTRATION OF FIREARMS; REPORTING OF LOST OR STOLEN FIREARMS/WEAPONS

- A. Legislation

1. Chapter 430, Article 65 of the Illinois Compiled Statutes, known as the Firearm Owners Identification Card Act, states that no person may acquire or possess any firearm or firearm ammunition without having in his or her possession a current Firearm Owner's Identification Card (FOID).
2. Provisions of this article do not apply to law enforcement officials while engaged in their official duties.
3. However, based upon the language of the statute and case law, a law enforcement officer violates the Firearm Owner's Identification Card requirements if he or she is in possession of a firearm without a Firearm Owner's Identification Card while performing a task not related to his or her duties.

NOTE: For example, a law enforcement official who is shopping for personal groceries, regardless of duty status, is not engaged in the operation of his or her official duties, and therefore would violate the Firearm Owner's Identification Card requirements of Section 65/2 of The Firearms Owner's Identification Card Act.

4. Department policy requires all members to have a valid FOID card and possess the FOID card while on-duty.

- B. The Gun Control Act of 1968 (GCA), as amended by the Omnibus Consolidated Appropriations Act of 1997, makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. The GCA further prohibits persons from selling or otherwise disposing of a firearm or ammunition to any person known to have been convicted of a misdemeanor crime of domestic violence, or to anyone who they have reasonable cause to believe has been convicted of a misdemeanor crime of domestic violence. This prohibition does apply to all law enforcement officers.

C. Prescribed Firearms/Temporary Replacement

1. Temporary replacement of a prescribed firearm may be obtained if:
 - a. the sworn member's prescribed firearm is lost, stolen, unserviceable, or has failed to pass inspection. With the approval of the unit commander, station supervisor, designated unit supervisor, or the firearms range officer, the affected member may submit a request for a temporary replacement firearm and ammunition by submitting a To-From-Subject report approved by his or her unit commanding officer and all related documentation (such as case reports, gunsmith repair receipts, purchase orders, etc.) to the Deputy Chief, Education and Training Division.
 - b. the sworn member's prescribed firearm is to be examined by the Forensic Services Section. The member may request a temporary replacement of a prescribed firearm, if necessary, by:
 - (1) generating a To-From-Subject report requesting the temporary replacement and obtaining the station supervisor's or designated unit supervisor's written approval.
 - (2) submitting the approved To-From-Subject report, along with copies of the Tactical Response Report (CPD-11.377) and the Property Inventory Report (CPD-34.523) listing the member's prescribed firearm, to the Deputy Chief, Education and Training Division.
2. A sworn member who has been issued a temporary replacement firearm will be responsible for the proper care, maintenance, and return of the firearm to the Education and Training Division. If a member must retain the replacement firearm for more than thirty days, the member will appear in person at the Education and Training Division with the loaned firearm and submit a To-From-Subject report with the station supervisor's or designated unit supervisor's approval explaining the need for an extension.
3. The Firearm Loan Receipt (CPD-63.344) will be prepared when a replacement firearm is issued.

D. Replacement Ammunition

1. Each district is supplied 200 of the following Department-approved duty ammunition cartridges:
 - a. .38 Special +P,
 - b. 9mm,
 - c. .40 caliber S&W,
 - d. .45 caliber ACP.
 - e. 5.56mm

NOTE: Each district will be supplied with 50 rounds of OO buck shotgun ammunition.

2. The designated unit supervisor is responsible for the security and issuance of this ammunition. Additional cartridges will be requested from the Firearms Training Unit, Education and Training Division.
3. Any member, regardless of assignment, may obtain replacement ammunition for Department-issued cartridges that are lost, stolen, damaged, defective, or expended in the line of duty.
4. Whenever the replacement of ammunition is necessary, the requesting member will submit a copy of a Tactical Response Report and/or other related documentation to the designated unit supervisor from the district of occurrence.

5. The designated unit supervisor will note the number and type of ammunition issued, sign his or her name, and enter his or her rank on the reverse side of the report(s). The report(s) will be forwarded to the issuing district commander.
6. Members will follow established material requisition procedures and submit copies of the Tactical Response Report and/or related documentation when requesting replacement of expended, damaged, lost, stolen, or defective Department ammunition for the district supply.

E. Purchase of Firearms from a Dealer

1. A sworn member who elects to purchase a duty-related revolver, semiautomatic firearm, or high-capacity magazine and requests a waiver of the required waiting period will complete one copy of the Certifying Statement - Firearms form (CPD-11.702) and present it to the firearms dealer at the time of purchase.

NOTE: Firearms dealers are not required to accept the Certifying Statement-Firearms and may require a sworn member to abide by the waiting period.

2. The Certifying Statement - Firearms form will be retained by the firearm dealer as verification of the exempt status of the sworn member.

F. Sale or Transfer of Firearms Between Sworn Members

1. Department members must comply with all legal requirements before they sell, transfer, or dispose of a firearm or other deadly weapon.
2. The sale and transfer of all firearms from one sworn member to another sworn member requires the buyer and seller to possess an FOID card.
3. A member selling or transferring a firearm will complete a Firearms Disposition form (CPD 31.610) and submit the completed form to the Gun Registration Unit.
4. A member buying or receiving a firearm will:

- a. report in person to the Gun Registration Unit and complete a Firearms Purchase Authorization / Sworn Member form (CPD-31.220),

NOTE: The Firearms Purchase Authorization / Sworn Member form may only be obtained from and completed at the Gun Registration Unit.

- b. complete a Department Firearms Registration Application for the received firearm, and
- c. provide a photocopy of their CPD identification and FOID card with the Firearms Registration Application.

G. Department Firearm Registration

1. All firearms owned by a sworn member must be registered per order of the Superintendent. It is the responsibility of the sworn member owning or possessing a firearm to comply with these provisions.
2. All firearms require one-time registration.
 - a. Firearms acquired and registered with the Department prior to 09 July 2013, are not required to be re-registered.
 - b. Firearms acquired 09 July 2013, or after, or previously owned firearms that have not been registered with the Department, must be registered with the Department upon the effective date of this directive.
3. There is no registration fee for firearms owned by sworn Department members.

4. Department members are required to notify the Gun Registration Section upon any sale, replacement, transfer, loss, theft, or other registration change of the firearm.

NOTE: Loss or theft of a firearm will be reported following the procedures delineated in Item VI-I of this directive.

H. Firearm Registration Procedures

A Firearm Registration Application must be completed for each firearm to be registered.

1. Duty-Related Firearms Procedures

- a. When registering duty-related firearms, members will comply with all of the instructions stated on the reverse side of the Firearm Registration Application. In addition, a member registering only a duty-related firearm(s) will:
- (1) enter "CPD" and his or her unit number of assignment on the "A" and "C" portions of the application in the box entitled "Business Address."
 - (2) submit the completed Firearm Registration Application to the member's designated unit supervisor.
 - (3) submit an Affidavit of Employment (CPD-31.563) with the Firearms Registration Application if the member is a probationary police officer.
 - (4) upon the return of the approved application from the designated unit supervisor, forward the application via intradepartmental mail to the Gun Registration Unit.
- b. The designated unit supervisor will review Firearm Registration Applications for duty-related firearms only to verify that:
- (1) the named applicant is a sworn member of the Department,
 - (2) all instructions have been followed and that the necessary attachments have been submitted, and
 - (3) the firearm listed on the application is a Department approved duty-related firearm.

NOTE: The designated unit supervisor will attest to the information listed above by signing their name, star number, and unit of assignment in the appropriate space of the "D" portion of the application.

2. Non-duty-Related Firearms Procedures

- a. When registering non-duty-related firearms, members will comply with all of the instructions stated on the reverse side of the Firearm Registration Application.
- b. Members registering a non-duty-related firearm will submit the completed Firearm Registration Application, a copy of their valid FOID card, and a copy of CPD Identification directly to the Gun Registration Unit. Intradepartmental mail may be used. **Do not separate the Firearms Registration Application(s).**
- c. Certificates of Registration for non-duty-related firearms will be returned directly to the registering member.

I. Reporting Requirements – Loss or Theft of Firearms / Weapons

1. Responsibilities of Members Reporting the Loss or Theft of Firearms / Weapons

- a. If the loss or theft of a firearm or weapon occurs within the City of Chicago, the member will promptly report the incident to the Department. The member preparing the case report will:
 - (1) complete the appropriate case report in accordance with existing Department procedures.
 - (2) ensure that an Administrative Message Center (AMC) message is sent and that the AMC message number is included in the narrative portion of the case report.
 - (3) indicate "Extra Copies Required" with the notation "one copy to Gun Registration."
- b. If the incident occurs outside the corporate boundaries of the City of Chicago, the member will:
 - (1) promptly report the incident to the law enforcement agency having jurisdiction.
 - (2) immediately notify Alternate Response Section (ARS) or the Office of Emergency Management and Communications (OEMC) upon return to the City of Chicago. The OEMC will assign a beat officer who will prepare a General Offense Case Report (CPD-11.380) using Offense Code 5081 (Other Non-Criminal Service Concerning Property) as the primary classification. The beat of occurrence will be shown as 3100 for incidents occurring outside the corporate boundaries of the City of Chicago. The beat of occurrence will be shown as 4100 for incidents occurring outside of the State of Illinois. The narrative portion of the case report will include:
 - (a) an account of the incident.
 - (b) the manufacturer, model, and serial number of the firearm / weapon.
 - (c) the responsible agency's incident or case report number and the LEADS/NCIC number.
 - (d) indication of "Extra Copies Required;" "one copy to Gun Registration."

2. Responsibilities of Supervisory / Command Members

Whenever a reported criminal incident involves a firearm or weapon owned by the Department or a firearm or weapon for which the Department is responsible, supervisory / command members will ensure that:

- a. CPIC is notified.
- b. a copy of the case report and related documentation is forwarded to both the First Deputy Superintendent and the Deputy Chief, Education and Training Division.
- c. if the member is unable to report the loss or theft of firearms/weapons, the first on-duty supervisor having knowledge of the occurrence will assume the initial reporting responsibility.

VII. INTERSTATE TRANSPORT OF FIREARMS OR AMMUNITION

- A. A sworn member whose duty assignment involves the interstate transport of a person in custody or otherwise requires them to be armed while traveling outside of the State of Illinois will conform to federal, state, and local laws.

- B. A sworn member will ascertain and comply with the regulations governing the possession and transportation of firearms/ammunition while using a public common carrier.
- C. Off duty sworn members will comply with all federal, state, and local jurisdictional regulations pertaining to possession and transportation of firearms and ammunition when traveling outside the State of Illinois.

VIII. INSPECTION

- A. Supervising sworn members will ensure that:
 - 1. firearms carried on duty are regularly inspected for cleanliness and serviceability.
 - 2. only Department-approved ammunition is used and in serviceable condition.
- B. Manual inspection of a semiautomatic pistol can only be performed by a supervisor who has completed the Roll Call Pistol Procedure Class offered by the Education and Training Division.
- C. Roll call firearms inspection will be conducted each Wednesday.

IX. FIREARM SAFETY CENTER AND BALLISTIC CLEARING STATION

- A. The firearm safety center and ballistic clearing station are free-standing units constructed of ballistic material with a compartment containing a removable ballistic lining. The safety center and clearing station are manufactured and designed to contain a fired projectile and prevent potential injury or "ricochet" in the event of an unintentional discharge.
 - 1. The firearm safety center **will only be** used to load and unload handguns.

NOTE: The firearm safety center **will not be** used to load and unload Department shotguns, rifles, or carbines.
 - 2. The ballistic clearing station **will be** used to load and unload Department shotguns, rifles, or carbines.
- B. The firearm safety center will be utilized by only one member at a time:
 - 1. to load and unload personal duty-related pistols and/or revolvers during the weekly inspection of firearms.
 - 2. whenever it becomes necessary for a member to load or unload his or her personal duty firearm while in a police facility equipped with a firearm safety center.
 - 3. to unload any handgun taken into custody. If a member is unable to render the firearm safe, the member will follow the procedures outlined in the Department directive entitled "**Firearms Taken Into Custody Or Turned In.**"
- C. All district stations and any other police facility designated by the Chief, Bureau of Organizational Development, will be equipped with a firearm safety center and ballistic clearing station.
- D. District/unit commanding officers will identify a location within the police facility for the placement of the firearm safety center and ballistic clearing station. The location will be readily accessible to sworn members (e.g., roll call rooms).
- E. Inspection of the firearm safety center and ballistic clearing station will be conducted at the beginning of each tour of duty by the station supervisor or designee.
- F. In the event of an unintentional discharge inside the firearm safety center or ballistic clearing station, the documentation procedures enumerated in the Department directive entitled "**Weapon Discharge Incidents Involving Sworn Members**" will be followed. In addition, the following procedures will be followed:
 - 1. The member responsible for the discharge will complete a Tactical Response Report (TRR) (CPD-11.377).

- B. A sworn member will ascertain and comply with the regulations governing the possession and transportation of firearms/ammunition while using a public common carrier.
- C. Off duty sworn members will comply with all federal, state, and local jurisdictional regulations pertaining to possession and transportation of firearms and ammunition when traveling outside the State of Illinois.

VIII. INSPECTION

- A. Supervising sworn members will ensure that:
 - 1. firearms carried on duty are regularly inspected for cleanliness and serviceability.
 - 2. only Department-approved ammunition is used and in serviceable condition.
- B. Manual inspection of a semiautomatic pistol can only be performed by a supervisor who has completed the Roll Call Pistol Procedure Class offered by the Education and Training Division.
- C. Roll call firearms inspection will be conducted each Wednesday.

IX. FIREARM SAFETY CENTER AND BALLISTIC CLEARING STATION

- A. The firearm safety center and ballistic clearing station are free-standing units constructed of ballistic material with a compartment containing a removable ballistic lining. The safety center and clearing station are manufactured and designed to contain a fired projectile and prevent potential injury or "ricochet" in the event of an unintentional discharge.
 - 1. The firearm safety center **will only be** used to load and unload handguns.

NOTE: The firearm safety center **will not be** used to load and unload Department shotguns, rifles, or carbines.
 - 2. The ballistic clearing station **will be** used to load and unload Department shotguns, rifles, or carbines.
- B. The firearm safety center will be utilized by only one member at a time:
 - 1. to load and unload personal duty-related pistols and/or revolvers during the weekly inspection of firearms.
 - 2. whenever it becomes necessary for a member to load or unload his or her personal duty firearm while in a police facility equipped with a firearm safety center.
 - 3. to unload any handgun taken into custody. If a member is unable to render the firearm safe, the member will follow the procedures outlined in the Department directive entitled "**Firearms Taken Into Custody Or Turned In.**"
- C. All district stations and any other police facility designated by the Chief, Bureau of Organizational Development, will be equipped with a firearm safety center and ballistic clearing station.
- D. District/unit commanding officers will identify a location within the police facility for the placement of the firearm safety center and ballistic clearing station. The location will be readily accessible to sworn members (e.g., roll call rooms).
- E. Inspection of the firearm safety center and ballistic clearing station will be conducted at the beginning of each tour of duty by the station supervisor or designee.
- F. In the event of an unintentional discharge inside the firearm safety center or ballistic clearing station, the documentation procedures enumerated in the Department directive entitled "**Weapon Discharge Incidents Involving Sworn Members**" will be followed. In addition, the following procedures will be followed:
 - 1. The member responsible for the discharge will complete a Tactical Response Report (TRR) (CPD-11.377).

2. The member's supervisor will review the TRR for legibility and completeness and indicate approval of such by signing in the appropriate box.
3. The "Watch Commander / OCIC" section of the TRR will be completed in the following manner:
 - a. If no person is injured or killed as a result of the unintentional discharge, the district executive officer or district commander will complete this section. The district executive officer or district commander will:
 - (1) indicate that further investigation is required.
 - (2) ensure that:
 - (a) A Complaint Register (CR) initiation report is prepared.
 - (b) The original of the TRR is attached to the initiation report and forwarded directly to the Independent Police Review Authority.
 - b. If a person is injured or killed as a result of the unintentional discharge:
 - (1) the appropriate area deputy chief, Bureau of Patrol, area executive officer, Bureau of Patrol, or / On-Call Incident Commander, will complete "Watch Commander / OCIC" section, return the completed TRR to the station supervisor conducting the preliminary investigation, and ensure that a CR initiation report is prepared.
 - (2) the designated unit supervisor will ensure that the original of the TRR is attached to the original of the case report documenting the firearm discharge and forwarded through normal channels
- G. Any damage to the firearm safety center or ballistic clearing station which is not firearm related will be reported in accordance with existing procedures.
- H. Regardless of the type of damage to the firearm safety center or ballistic clearing station, the designated unit supervisor will:
 1. immediately take the firearm safety center or ballistic clearing station out of service.
 2. notify the Firearms Training Unit.
- I. The Firearms Training Unit will:
 1. conduct a thorough inspection of the firearm safety center or ballistic clearing station.
 2. determine whether repair or replacement of any damaged part(s) is necessary.
- J. Members will refrain from using a damaged firearm safety center or ballistic clearing station until repairs have been completed and written authorization from the Firearms Training Unit to resume use has been received by the district commander or unit commanding officer. If necessary, a member requiring the use of a firearm safety center or ballistic clearing station will utilize one in a nearby district or unit.

X. PRESCRIBED DUTY WEAPON LOCKING DEVICE

- A. Sworn Department members will secure their prescribed duty firearm when the prescribed duty firearm is not on their person.

- B. Sworn members are encouraged to secure any/all other firearms which may be in their possession or under their control as mandated by Illinois Compiled Statute (ILCS) entitled "Firearms; Child Protection" (720 ILCS 5/24-9).

NOTE: Effective 1 January 2000, 720 ILCS 5/24-9 "Firearms; Child Protection," states that a firearm must be secured when the likelihood exists that a minor under the age of 14 could gain unlawful access to the firearm. Department policy regarding the securing of a sworn member's prescribed duty firearm is more restrictive.

- C. Sworn Department members not carrying their prescribed duty firearm on their person and not having an alternate means to secure the prescribed duty firearm will place a locking device on their prescribed duty firearm.

NOTE: Sworn Department members may secure their prescribed duty firearm in a locked box/container or secured in another location that a reasonable person would believe will prohibit access to the prescribed duty firearm by unapproved individuals and meet the requirements of 720 ILCS 5/24-9.

- D. The Deputy Chief, Education and Training Division, will ensure that Department members receive annual instruction during the Prescribed Weapon Qualification Program on proper procedures for securing their prescribed duty firearm.

XI. DEPARTMENT SPECIAL WEAPONS AND EQUIPMENT

- A. The First Deputy Superintendent, the Chief, Bureau of Patrol, the Chief, Bureau of Detectives, the Chief, Bureau of Organized Crime, and the Chief, Bureau of Organizational Development may authorize the deployment of Department special weapons for use by selected units within their respective bureaus.
- B. Special weapons will only be issued to sworn members who are certified by the Education and Training Division or the Special Weapons and Tactics (SWAT) Unit in the use of special weapons. Sworn members may be issued only those special weapons for which they are certified.
- C. The SWAT Unit will field Special Operations Response Teams (SORT) trained and equipped with special weapons.
- D. Department special weapons include, but are not limited to:

1. rifles, carbines, shotguns, and submachine guns;
2. chemical agents, smoke dispensing devices and their launchers, impact munitions, and distraction devices.

NOTE: Department special weapons do not include person aerosol chemical devices, Taser devices, or batons.

XII. DEPARTMENT ARSENAL

- A. Department weapons and ammunition will be stored in the Department Arsenal.

EXCEPTION: A limited quantity of Department special weapons and ammunition will be maintained at each designated unit.

- B. The Firearms Training Unit, Education and Training Division, will:

1. provide for the repair and maintenance of all Department-owned weapons with the exception of routine cleaning and oiling.
2. provide replacement shotguns when available for unit shotguns that are stolen, lost, or under repair.

3. train Department members who are certified in the use of special weapons to fulfill basic weapon maintenance requirements.
4. supply the firearm ranges with necessary firearms/weapons, ammunition, targets, or other related supplies and equipment.
5. conduct and file a Department-wide inventory and maintenance inspection report of all Department firearms / weapons, equipment, and ammunition. This report will be submitted to the Deputy Chief, Education and Training Division.
6. perform other designated technical duties.

XIII. ARSENAL COMMITTEE

- A. The Arsenal Committee will be composed of the following members:
 1. Voting Members:
 - a. Deputy Chief, Education and Training Division;
 - b. Director, Research and Development Division; or designee,
 - c. Range Master, Education and Training Division;
 - d. Firearms Technician, Forensic Services Section;
 - e. Chief, Bureau of Patrol or designee.
 - f. A sworn member of the Management and Labor Affairs Section;
 - g. A sworn member from the Special Weapons and Tactics (SWAT) team.
 2. Non-Voting Members:
 - a. A member from the Office of Legal Affairs;
 - b. In-service Training Sergeant, Education and Training Division;
 - c. A sworn member of the Research and Development Division.
- B. The Deputy Chief, Education and Training Division, will serve as Chair of the Arsenal Committee.
- C. The Director, Research and Development Division, will serve as Vice-Chair.
- D. Committee members who determine there is a need for a meeting will communicate with the Chair. Committee meetings will convene upon notification from the Chair during normal business hours where practicable.
- E. A sworn member of the Research and Development Division will attend all meetings, serve as secretary to the committee, and provide official liaison between the committee and retailers, manufacturers, and other suppliers of weapons and related equipment.
- F. Committee affairs will be conducted only when a quorum of the membership is present. A quorum will consist of at least four committee members of which one will be the Chair or Vice-Chair. Issues will be voted upon by all the present committee members.
- G. Responsibilities of the Arsenal Committee include:
 1. development of weapon specifications for the Department.
 2. conducting research and evaluating weapons and/or ammunition for possible use by Department members.
 3. making recommendations to the Superintendent relative to the adoption or discontinuation of weapons and/or ammunition for use by Department members.

(Items indicated by italics/double underline were added or revised.)

Authenticated by: JKH

Garry F. McCarthy
Superintendent of Police

13-090 AMR

GLOSSARY TERMS:

1. **Prescribed Firearm**
A required firearm which must be used/carried by a sworn officer.
2. **Alternate Prescribed Firearm**
A firearm which may be used/carried by a sworn officer in lieu of a prescribed firearm.
3. **Alternate Prescribed Firearm Only**
A firearm which may be used/carried by a sworn officer in lieu of a prescribed firearm that can only qualify as an alternate prescribed firearm.
4. **Auxiliary Firearm**
A firearm which may be used or carried by a sworn officer in addition to a prescribed or alternate prescribed firearm.
5. **Police Carbine Operator Program**
The overall program developed by the Department for the approval, procurement, training, security, issuance, use, and maintenance of Department-approved carbines.
6. **Carbine Operator Course**
A voluntary five-day course members must initially pass to be qualified to participate in the Police Carbine Operator Program.
7. **Carbine Operator Requalification Course**
A block of training required for members in the Police Carbine Operator Program. This course is taken subsequent to the Carbine Operator Course and must be completed to maintain qualification.

8. **Carbine Familiarization Course**
A block of instruction relative to the safe handling, loading, and unloading of the carbine as well as placement and removal from gun racks and locks.
9. **Personal Carbine Operator Zeroing Course**
A block of instruction required for police carbine operators who own personal carbines that must be zeroed before approval for duty use.
10. **Carbine**
A short-barreled, lightweight semiautomatic rifle.
11. **Police Carbine Operator**
A member trained by the Department to be armed with a carbine while assigned to routine field duties.
12. **Arm/Arming**
Removing a carbine from a Department vehicle and chambering a round.
13. **Deployment**
The act of issuing / placing a carbine into a Department vehicle gun lock for duty.
14. **Tactical Sling**
A device used to carry the rifle in a hung position in front of the body.
15. **Zero/Zeroed**
At a prescribed distance, the point of aim is aligned with the point of bullet impact.
16. **ChamberSafe®**
A high-visibility device, normally orange in color, used to readily identify, from a distance, that a rifle chamber is empty and safe.
17. **Personal Carbine**
A duty carbine purchased, registered, and owned by a member participating in the Police Operator Carbine Program.
18. **Optical Sighting System**

A device mounted or attached to a rifle that assists a shooter with quick target acquisition. An optical sighting system is **NOT a laser sight**.

ADDENDA:

1. U04-02-01 - Department Approved Semiautomatic Pistols and Ammunition
2. U04-02-02 - Department Approved Revolvers and Ammunition
3. U04-02-03 - Personal Oleoresin Capsicum (OC) Devices
4. U04-02-04 - Taser Devices
5. U04-02-05 - Police Carbine Operator Program
6. U04-02-06 - Department Approved Auxiliary Subcompact Semiautomatic Pistols and Ammunition
7. U04-02-07 - Semiautomatic Pistol-Mounted Lights
8. U04-02-08 - Department Approved Shotguns
9. U04-02-09 - Expandable Baton

Report Date: 27 Jan 2016

Report Time: 1333 Hrs

Chicago Police Department

Personnel Division

**Only for active personnel*



Information Services Division

Data Warehouse

Produced by [REDACTED]

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
SIMMONS JR, DONALD A	9161	10635	018		[REDACTED]

Achievements

Total No.

HONORABLE MENTION
COMPLIMENTARY LETTER
NATO SUMMIT SERVICE AWARD
2009 CRIME REDUCTION AWARD
EMBLEM OF RECOGNITION - PHYSICAL FITNESS
2004 CRIME REDUCTION RIBBON
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008
ATTENDANCE RECOGNITION AWARD
TOTAL AWARDS

24

9

1

1

3

1

1

3

43

CR# 1075709

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS



Chicago Police Department

CLEAR

Citizen & Law Enforcement Analysis & Reporting

CPD 0289341

**BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION**

27 JANUARY 2016

TO: COMMANDING OFFICER UNIT 121

**FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

SIMMONS JR DONALD	10635	018
NAME	(LAST, FIRST)	STAR
MALE	BLACK	[REDACTED]
SEX	RACE	EMPLOYEE#

**REFERENCE: COMPLAINT REGISTER / LOG NUMBER 1075709
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

P.A.	MULLING,Z	3231	121
RANK	NAME	STAR	EMPLOYEE#
			UNIT

**RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCE COMPLAINT LOG NUMBER.**

**THE RECORDS SECTION, BUREAU OF INTERNAL AFFAIRS, DISCLOSED
THE FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE
SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.**

VERIFIED / PREPARED BY;

NIYA SCOTT

**NONE
SEE ATTACHED**

**FOR: COMMANDING OFFICER
RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS**

CHICAGO POLICE DEPARTMENT

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	SIMMONS JR DONALD A.	10635	[REDACTED]	9161	POLICE OFFICER	018
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	BLACK	[REDACTED]	28-APR-2003	1	0	
<u>Case #</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
[REDACTED]	22-JAN-2012		2 DAY SUSPENSION	10T-REPORTS - FAILED TO SUBMIT/IMPROPER		
<u>Civil Suit #</u>	<u>Police Board #</u>					
<u>Comments</u>						

**BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION**


**27 January 2016
CL #1075709**

TO: Commanding Officer
Area South
Investigations Division

FROM: Sergeant Robert VANNA, Star 2232
Area South
Investigations Division

SUBJECT: Penalty Recommendation

The undersigned received for review CL NO. 1075709 after the assigned investigator completed the investigation and found the allegation against the accused member Police Officer Donald SIMMONS JR., star 10635, to be sustained. After reviewing the investigation and prior to making a recommendation for discipline, the undersigned reviewed and took into account the Disciplinary and Complimentary History of the accused Donald SIMMONS JR. The Undersigned recommends that Officer SIMMONS receive an eleven (11) day suspension from the Chicago Police Department.


Sergeant Robert VANNA, Star 2232
Investigations Division
Bureau of Internal Affairs

6. A sworn member, Police Equipment Evaluation Team, Research and Development Division;
 7. A sworn member from the Special Weapons and Tactics Team (SWAT).
- B. The Assistant Deputy Superintendent, Education and Training Division, will serve as Chairman of the Arsenal Committee.
 - C. The command staff member of the Research and Development Division, will serve as Vice-Chairman.
 - D. Committee members who determine there is a need for a meeting will communicate with the Chairman. Committee meetings will convene upon notification from the Chairman during normal business hours where practicable.
 - E. A sworn member of the Police Equipment Evaluation Team, Research and Development Division, will attend all meetings, serve as secretary to the committee, and provide official liaison between the committee and retailers, manufacturers, and other suppliers of weapons and related equipment.
 - F. Committee affairs will be conducted only when a quorum of the membership is present. A quorum will consist of at least four committee members of which one will be the Chairman or Vice-Chairman. Issues will be voted upon by all the committee members.
 - G. The Arsenal Committee functions as a subcommittee of the Uniform and Personal Equipment Policy Committee. The Chairman, Arsenal Committee, will report all committee affairs directly to the Chairman, Uniform and Personal Equipment Policy Committee.
Responsibilities of the Arsenal Committee include:
 1. development of weapon specifications for the Department.
 2. conducting research and evaluating weapons and/or ammunition for possible use by Department members.
 3. making recommendations to the Chairman, Uniform and Personal Equipment Policy Committee, relative to the adoption or discontinuation of weapons and/or ammunition for use by Department members.

XVI. PRESCRIBED DUTY WEAPON LOCKING DEVICE

- A. The Department:
 1. requires sworn Department members to secure their **prescribed duty weapon** when the prescribed duty weapon is not on their person.
 2. strongly encourages sworn members to secure any/all other firearms which may be in their possession or under their control as mandated by Illinois Compiled Statute (ILCS) entitled "Firearms; Child Protection" (720 ILCS 5/24-9).

- B. Effective 1 January 2000, 720 ILCS 5/24-9 "Firearms; Child Protection" was enacted.

NOTE: In essence, the statute states that a firearm must be secured when the likelihood exists that a minor under the age of 14 could gain unlawful access to the firearm. Department policy regarding the securing of a sworn member's prescribed duty weapon is more restrictive.

- C. Sworn Department members not carrying their prescribed duty weapon on their person and not having an alternate means to secure the prescribed duty weapon will place the Department-issued locking device on their prescribed duty weapon.

NOTE: Sworn Department members may secure their prescribed duty weapon in a locked box/container or secured in another location that a reasonable person would believe will prohibit access to the prescribed duty weapon by unapproved individuals and meets the requirements of 720 ILCS 5/24-9.

- D. The Assistant Deputy Superintendent, Education and Training Division, will ensure that Department members receive annual instruction during the Prescribed Weapon In-Service Training and Qualification Program on proper procedures for securing their prescribed duty weapon.

Philip J. Cline
Superintendent of Police

06-183 KD/SRM

GLOSSARY TERMS:

1. HBT (Hostage Barricade Team) Incident Coordinator - A specially trained sworn member who is responsible for the coordination of administrative matters involving the HBT Incident Program, who responds to the scene of an HBT incident and functions as an aide and advisor to the officer in charge.
2. Active Resister - Includes subjects who secret themselves and fail to comply with sworn members' orders to reveal themselves.

ADDENDA:

1. U04-02-01 - Department Approved Semiautomatic Pistols and Ammunition
2. U04-02-02 - Police Carbine Operator Program
3. U04-02-03 - Semiautomatic Pistol-Mounted Lights
4. U04-02-04 - Department Approved Auxiliary Subcompact Semiautomatic Pistols and Ammunition

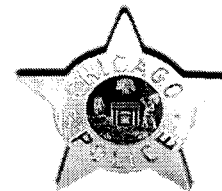
Report Date: 27 Jan 2016

Report Time: 1333 Hrs

Chicago Police Department

Personnel Division

**Only for active personnel*



Information Services Division

Data Warehouse

Produced by: [REDACTED]

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
SIMMONS JR, DONALD A	9161	10635	018		[REDACTED]

Achievements

Total No.

HONORABLE MENTION	24
COMPLIMENTARY LETTER	9
NATO SUMMIT SERVICE AWARD	1
2009 CRIME REDUCTION AWARD	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	3
2004 CRIME REDUCTION RIBBON	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	3
TOTAL AWARDS	43

CR# 1075709

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS

**BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION**

27 JANUARY 2016

TO: COMMANDING OFFICER UNIT 121

**FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

SIMMONS JR DONALD 10635 018

NAME (LAST, FIRST) STAR UNIT

MALE BLACK

SEX RACE EMPLOYEE#

REFERENCE: COMPLAINT REGISTER / LOG NUMBER 1075709

**THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:**

P.A. MULLING, Z 3231 121
RANK NAME STAR EMPLOYEE# UNIT

**RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCE COMPLAINT LOG NUMBER.**

**THE RECORDS SECTION, BUREAU OF INTERNAL AFFAIRS, DISCLOSED
THE FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE
SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.**

VERIFIED / PREPARED BY;

NIYA SCOTT

NONE

SEE ATTACHED

**FOR: COMMANDING OFFICER
RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS**

CHICAGO POLICE DEPARTMENT

27-JAN-2016 09:10:42 AM

Sustained Complaints History Report

Social Sec. # [REDACTED] Name SIMMONS JR DONALD A. Star #. 10635 Emp. # [REDACTED] Rank 9161 Description POLICE OFFICER Unit 018

Sex M Race BLACK Birth Date [REDACTED] Appointed Date 28-APR-2003 No. Of CR's 1 No. Of SPAR's 0

Case #. [REDACTED] Incident Date 22-JAN-2012 Suspension Dates 2 DAY SUSPENSION Disciplinary Action Taken 10T-REPORTS - FAILED TO SUBMIT/IMPROPER Final Category Less Serious Transgression

Civil Suit #

Comments

**BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION**


**27 January 2016
CL #1075709**

TO: Commanding Officer
Area South
Investigations Division

FROM: Sergeant Robert VANNA, Star 2232
Area South
Investigations Division

SUBJECT: Penalty Recommendation

The undersigned received for review CL NO. 1075709 after the assigned investigator completed the investigation and found the allegation against the accused member Police Officer Donald SIMMONS JR., star 10635, to be sustained. After reviewing the investigation and prior to making a recommendation for discipline, the undersigned reviewed and took into account the Disciplinary and Complimentary History of the accused Donald SIMMONS JR. The Undersigned recommends that Officer SIMMONS receive a ten (10) day suspension from the Chicago Police Department.


Sergeant Robert VANNA, Star 2232
Investigations Division
Bureau of Internal Affairs

**BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION**

27 January 2016

TO: Commanding Officer
Area South
Investigations Division

FROM: Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

SUBJECT: Approval of Log Investigation CL #1075709

The attached Log Investigation has been completed and submitted for approval.



Police Agent Zoila MULLINGS, Star 3231
Investigations Division
Bureau of Internal Affairs

APPROVED:



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs

SUMMARY REPORT
CHICAGO POLICE DEPARTMENTLOG NO
1075709TYPE
CRDATE OF REPORT
27-JAN-2016**TO:**
CHIEF, BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
MULLINGS, ZOILA	9174	3231		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 9811 S. HALSTED ST, CHICAGO, IL 60628	DATE / TIME: 16-JUN-2015 11:06	BEAT: 2223
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
SIMMONS JR, DONALD A	9161	10635		018		M / BLK		28-APR-2003	NO	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
MURPHY, CULLEN	RANK: 9171, STAR NO: 2615, EMP NO:		Bad Phone No:	M / WHI	40

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
CARROLL, EDWARD	RANK: 9165, STAR NO: 20262, EMP NO:			M / WHI	49

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

NOTE: Log "Type" is classified CR – sworn affidavit not required.

1. The complainant Police Agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.
2. The Complainant Police agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] St., Chicago, Illinois, at approximately 1130 hours, the Chicago Police Department star, No. 8830, issued to the accused Police Officer Donald SIMMONS Jr., was taken from his vehicle. It is alleged that the accused failed to properly secure his Department issued star.

INSTRUCTIONS FOR THE SUMMARY REPORT

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8 1/2 x 11 INCH WHITE PAPER.

ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1 (Summarize the allegation)
- No. 2 (Summarize the allegation)

2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Log number must also be entered on the lower right hand corner of each attachment. Following are numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Face Sheet - Yellow
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to reporting party
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. _____
- No. 11 Signed Sworn Affidavit

3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

4. FINDINGS

Each allegation must be classified as either of the following:
Unfounded - Exonerated - Not Sustained - Sustained - No Affidavit.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded
Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained Other violation: Sustained-Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report, Refer to the General Order entitled "Complaint and Disciplinary Procedures."

5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation

Examples:

- 1. Violation noted, no disciplinary action warranted.
- 2. That the accused member be reprimanded.
- 3. That the accused member be suspended for days
- 4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

(Investigator)			
Rank	Name	Star No.	Unit

9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44. 113-A) by completing the Investigator section.

SUMMARY REPORT

CL #1075709

EVIDENCE:

Attachments

	No.	Type	Related Person	No. of Pages	Narrative	Original In File	Entered By	Entered Date/Time	Status
View	1	FACE SHEET	N/A				ADDINGTON, MARC	16-JUN-2015 20:19	
View	2	CONFLICT CERTIFICATION	N/A				WHITE, GLENN	25-JUN-2015 14:05	
View	3	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Affidavit Not-Required	YES	MULLINGS, ZOILA	10-DEC-2015 13:06	APPROVED
View	4	CONFLICT CERTIFICATION	N/A				MULLINGS, ZOILA	14-JUL-2015 09:47	
View	5	INITIATION REPORT	N/A	1	1075709	NO	ADDINGTON, MARC	16-JUN-2015 21:05	APPROVED
View	6	GENERAL OFFENSE CASE REPORT	N/A	3	Original Case Incident Report [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:35	APPROVED
View	7	REPORT (OTHER)	N/A	2	Copy of Administrative Message, Reference 218796 reporting accused Star and Duty Weapon taken in theft	NO	MULLINGS, ZOILA	10-DEC-2015 13:39	APPROVED
View	8	DETECTIVE SUPPLEMENTARY REPORT	N/A	7	Case Supplementary Report [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:31	APPROVED
View	9	INVENTORY SHEET	N/A	2	Property Inventory [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:33	APPROVED
View	10	REPORT (OTHER)	N/A	1	Gun Registration report	NO	MULLINGS, ZOILA	10-DEC-2015 13:41	APPROVED
View	11	WITNESS NOTIFICATION FOR CARROLL, EDWARD	WITNESS - CARROLL, EDWARD				MULLINGS, ZOILA	19-OCT-2015 13:41	PENDING WITNI ACKNOWLEDGE
View	12	WITNESS REPORT	N/A	5	Witness Report from Detective Carroll	YES	MULLINGS, ZOILA	10-DEC-2015 13:43	APPROVED

View	13	VIDEO RECORDING	N/A	1	Video footage from gas station	YES	MULLINGS, ZOILA	27-JAN-2016 10:31	APPROVED
View	14	REPORT (OTHER)	N/A	1	Review of video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:33	APPROVED
View	15	REPORT (OTHER)	N/A	1	Additional video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:35	APPROVED
View	16	ACCUSED NOTIFICATION OF ALLEGATIONS FOR SIMMONS JR, DONALD	ACCUSED - SIMMONS JR, DONALD				WHITE, GLENN	30-JUN-2015 14:05	ACCUSED ACKNOWLEDGE ALLEGATIONS
View	17	ACCUSED REPORT	N/A	8	Statement from accused PO Simmons	YES	MULLINGS, ZOILA	10-DEC-2015 13:48	APPROVED
View	18	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	15	Copy of directive U04-02, Section XVI	NO	MULLINGS, ZOILA	27-JAN-2016 10:40	APPROVED

INVESTIGATION:

In summary, this complaint was initiated by Sergeant Cullen MURPHY, star 2615, 018 District. In his initiation report Sergeant MURPHY reported that on 16 June 2015, the accused Police Officer Donald SIMMONS, star 8830, appeared at the 018 District and reported the theft of his Chicago Police Department star #8830, and his duty weapon, a Smith and Wesson M&P 9mm, serial [REDACTED] black in color with a 4inch barrel. (**Attachment 5**)

Original Case Incident Report [REDACTED] was completed in which the facts of this incident were recorded. According to Case Report [REDACTED] Officer SIMMONS stopped at the "Super Save 1" service station located at [REDACTED] to refuel his 1995 Nissan Maxima. Upon swiping his credit card at the pump, Officer SIMMONS was notified to "see attendant." At this point, Officer SIMMONS entered the store after remotely locking his car doors, completed his purchase, and immediately returned to his vehicle. The report related that Officer SIMMONS drove to an appointment at the Garvey Elementary School located at 10309 S. Morgan and upon completion of his appointment, Officer SIMMONS discovered that his "Coach" pouch containing his service weapon and CPD star #8830, had been taken from his vehicle by unknown offender(s). Also taken was a Samsung Note 3 Android phone along with miscellaneous identification cards. Case Report [REDACTED] further relates that the accused returned to the service station and determined that there are video cameras mounted above the pumps. Officer SIMMONS received the name MAHMOUN for the attendant that could access the video footage. After unsuccessfully retracing his steps in an attempt to locate his belongings, Officer SIMMONS reported to the 018 District to report the theft. An AMFN message

was sent. AMFN message Reference #218796 entitled "Taken in Theft – CPD Star #8830 and Duty Weapon" was sent on 16 June 2015, at 2006 hours. (**Attachments' 6 and 7**)

In furtherance of this investigation, the Reporting Agent obtained the Detective Case Supplementary Report [REDACTED]. This report was completed by Detective Edward CARROLL, star 20262. In his report, Detective CARROLL related that on 16 June 2015, after being assigned this investigation he immediately went to the gas station located at [REDACTED] to check for a working camera system. According to Case Supplementary Report [REDACTED] the employee on the scene told Detective CARROLL that there was a working camera system however; the store manager Mamoun TURK, who is responsible for operating the camera, was not in but was going to be in the following day. On 17 June 2015, Detective CARROLL reported to the gas station and obtained a copy of the video footage which showed an unknown male black suspect enter the accused car and take a small bag from inside. The male black suspect then got back in his car and left the scene. Detective CARROLL related in his report that he contacted victim Donald SIMMONS who related the facts of this incident stating that he inadvertently left his car open with his Coach Pouch/bag" on the front seat of his vehicle. Detective CARROLL further related in his report that because the video footage was of poor quality, he attempted to have the video footage enhanced for a possible identification of the suspect or license plate to the suspect' vehicle. (**Attachment 8**)

Accused Police Officer Donald SIMMONS was served with two allegations of failure to properly secure his duty weapon, and failure to secure his Department issued star, #8830. On 14 October 2015, the accused Police Officer Donald SIMMONS provided the Reporting Agent with his statement answering the allegations. In his statement, Officer SIMMONS related that he went to the gas station located at [REDACTED] Halsted to purchase gas but the machine wasn't working so he went inside to pay for the purchase. Officer SIMMONS stated that he was not aware that he was a victim of a theft until approximately 1400 to 1500 hours. Officer SIMMONS explained that after he obtained the gas he went to Marcus Garvey Elementary School located at [REDACTED] [REDACTED] where he was hired to perform. Officer SIMMONS explained that he is a professional clown and he was hired to perform for the kids at the school. Once he arrived at the school and started preparing for his routine Officer SIMMONS said he realized that he did not have the phone, which has WiFi installed, that he needed for his performance. Officer SIMMONS stated that he went to plan B and utilized his second phone. After he finished the show, Officer SIMMONS stated that he drove back to the gas station and asked to see the video tape. To this, Officer SIMMONS stated that the attendant told him that the video tape would not be available until the next day. Officer SIMMONS stated that he went home and to his unit to check the locker for his pouch but they were not there. At approximately 1630 hours, at the 018 District, Officer SIMMONS stated that he made a police report, [REDACTED] and Administrative Message 218796 was sent. Officer SIMMONS further stated that he did not go back to the gas station to obtain the video tape because the Detective that was handling the case advised him not to talk to the gas station personnel because he was handling the case from that point on. (**Attachments' 16 and 17**)

Once the detectives obtained the video tape Officer SIMMONS stated that they came to his District and showed him what happened. Officer SIMMONS stated that he observed himself use his remote and hit the remote to lock the doors to his vehicle. On the video Officer SIMMONS said he saw his rear lights flash which indicate that the vehicle was armed. Officer SIMMONS related that he went in to the store to pay for the gas at which point he saw the following: a male black about 12 to 15 years of age exit a vehicle which was parked parallel to his car on the other side of the pump, the male black then opened his car door, grabbed what looked to be his pouch, throw it in the other car, jumped into the car, and the car drove off. Officer SIMMONS stated that he did not know how the male black got into his car but his guess was that somehow the car didn't arm when he hit the remote button, a malfunction or something occurred. According to Officer SIMMONS his black Coach pouch which consisted of his duty weapon, his badge, miscellaneous cards, identification, and cell phone was taken. Upon questioning as to exactly where his pouch was prior to the theft, Officer SIMMONS stated that the locked pouch was under his driver's seat. Officer SIMMONS described the pouch as a black Coach pouch with a black master lock and a cord which was used to keep the zipper on the pouch locked. The Reporting Agent asked Officer SIMMONS why he didn't have his weapon in a location where it was more secure such as his home or on his person. To this Officer SIMMONS stated that he had only one weapon and he was told to keep his weapon close to him. In addition, Officer SIMMONS explained that his home had been burglarized twice, and he couldn't carry the weapon on his person because he was wearing shorts with no belt and he was transitioning i.e., getting ready to perform for the kids. Officer SIMMONS stated that he was a professional clown, he was going to the Garvey Elementary School to perform and he never wore his weapon when he was performing for the kids. **(Attachment 17)**

Officer SIMMONS also denied failing to secure his Department issued star. Officer SIMMONS reiterated that his Department star was inside the pouch which was stolen from his locked vehicle. Officer SIMMONS stated that he made police report [REDACTED] at the 018 District at approximately 1630 hours, and the sergeant sent out Administrative Message, number 218796, notifying the Department of the theft. To his knowledge, Officer SIMMONS stated that his weapon and star were not recovered and he received star 10635 to replace the one that was taken in the theft. In conclusion, Officer SIMMONS emphasized that he has been on the job for twelve years and he always had his weapon and star secure to the best of his ability. Officer SIMMONS said that he never leave his weapon around or in plain view and stated that he had to get gas which was the only time he was away from his vehicle. According to Officer SIMMONS, the weapon was secure and it was in a locked vehicle under the seat. Also, had the pump been working, Officer SIMMONS stated that he would never have had to walk to the gas station to pay for the gas. **(Attachment 17)**

Based on the Detective CARROLL'S Case Supplementary Report [REDACTED] and the statement provided by the accused, the Reporting Agent requested that Detective CARROLL provide a statement to the Bureau of Internal Affairs regarding his investigation. On 27 October 2015, the Reporting Agent interviewed Detective Edward CARROLL. During his statement, Detective CARROLL related that on 17 June 2015, he

watched the video he retrieved from the gas station located at [REDACTED] which showed the accused Officer SIMMONS pulling his vehicle up to the pumps to get gas. Officer SIMMONS attempted to use his credit card but there were some problems and he had to see the attendant. At that time, Detective CARROLL stated that the video showed Officer SIMMONS securing his vehicle by closing his car doors and using his key lock. According to Detective CARROLL, Officer SIMMONS pressed the key lock and the tail light of the vehicle flashed as if to lock the vehicle. (**Attachments' 11 and 12**)

Detective CARROLL stated that Officer SIMMONS then walked into the store at which point a male black suspect got out of a vehicle that was parked next to Officer SIMMONS' vehicle and opened the door to Officer SIMMONS' vehicle. Detective CARROLL related that the male black suspect entered Officer SIMMONS' vehicle for a few seconds and exited the vehicle with a black object in his hands. At that point, the male black suspect got back into his vehicle and the vehicle drove off. When asked how the male black suspect got into Officer SIMMONS' car after it was locked by Officer SIMMONS, Detective CARROLL explained that Officer SIMMONS attempted to secure his vehicle but for whatever reason he inadvertently left it open. When asked where the black pouch was that the male black took from Officer SIMMONS' vehicle Detective CARROLL stated that to his knowledge it was on the front seat or in the front area of the vehicle. Also, after viewing the video Officer SIMMONS told him that he inadvertently left his car open. Detective CARROLL went on to say that as of that date the officer's weapon and star had not been recovered. Facial recognition of the suspect and an attempt to get a possible license plate of the suspect's vehicle were conducted but the results were negative. Detective CARROLL provided the Reporting Agent with a copy of the video footage that he retrieved from the gas station regarding the theft of Officer SIMMONS' duty weapon and star. The Reporting Agent attempted to view the video footage on a later date but was unable to do so. The Reporting Agent attempted to contact Detective CARROLL to obtain a better copy but because of scheduled furlough for both Detective CARROLL and the Reporting Agent, it was not until 22 January 2016, that the Reporting Agent was able to get a working copy of the video footage. (**Attachments' 12 and 13**)

The Reporting Agent reviewed the video footage of the alleged incident which was provided by Detective CARROLL. The Reporting Agent observed the incident as follows: The accused drove up to the gas pump in a white vehicle at the alleged location at 1128 hours, and got out of his vehicle leaving the drivers' door open. The Reporting Agent observed the accused attempt to use his credit card at the pump and while doing this, the Reporting Agent observed a male black who was sitting in the front passenger seat of a vehicle parked parallel to the accused vehicle on the other side of the pump, looking directly into the accused vehicle through the open door. After not being able to use his credit card the accused closed his drivers side door and walked towards the store as he pressed the remote key to arm his vehicle. The rear lights on the vehicle flashed twice. At 1129 hours, the male black exited the passenger side of his vehicle, open the drivers' side door of the accused vehicle via the door handle, and enter the accused vehicle. A few seconds later, the male black exited the accused vehicle with a black object in his hand, walk back to the passenger side of his vehicle leaving the accused vehicle drivers' side door slightly cracked. At this point, the Reporting Agent observed

the male black throw the black object through the front passenger window his vehicle, get into the vehicle, and the vehicle sped off. A short time later the accused returned to his vehicle, pumped his gas, opened his drivers' side door (without the use of the remote), and drove off. Based on what the Reporting Agent saw on the video footage, the accused at this point, did not appear to realize that someone had entered his vehicle or that something had been taken from his vehicle. (**Attachments' 14 and 15**)

Based on the investigation and the evidence gathered, the Reporting Agent found the allegations that the accused failed to properly secure his duty weapon, a Smith and Wesson M&P 9mm, serial [REDACTED] and his Chicago Police Department star, #8830, to be sustained. The weapon and star were stolen from the accused vehicle, a 1995 Nissan Maxima GXE, license plate DASJR, on 16 June 2015. This theft occurred at a gas station located at [REDACTED] where the accused stopped to refuel his vehicle. The accused insisted that he locked his vehicle. However, video footage show a male black exiting his vehicle, opening the accused vehicle drivers' side door without any force, entering the accused vehicle, and removing a black object. The object was later found to be a black pouch in which the accused had his duty weapon and Department issued star. In short, the fact that the male black suspect simply opened the accused vehicle drivers' side door via the door handle without using any type of force indicates that the accused vehicle was not locked as he avowed. Consequently, the Reporting Agent has concluded that the accused officer failed to properly secure his duty weapon and Department issued star #8830, which were stolen from his vehicle. Based on the investigation, the accused's loaded duty weapon was unsecured in his vehicle, not secured on his person or in a location that would prohibit access to the weapon.

FINDINGS:

ACCUSED:

Allegation #1:

Donald SIMMONS JR. PO, Star 10635, 018 District
SUSTAINED, Violation of Rule 6, "Disobedience of an order of directive, whether written or oral," in that on 16 June 2015, at [REDACTED] at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, The weapon was taken from the accused's vehicle where it was left unsecured in a black Coach pouch, in violation of Department directive U04-02, entitled "Department Approved Weapons and Ammunition," Section X.

Allegation #2:

SUSTAINED, Violation of Rule 13, "Failure adequately to secure and care for Department property," in that on 16 June 2015, at [REDACTED] at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his Chicago Police Department issued star #8830. The star was taken from the

accused vehicle where it was left unsecured in a black Coach pouch, in violation of Department Rules and Regulation.

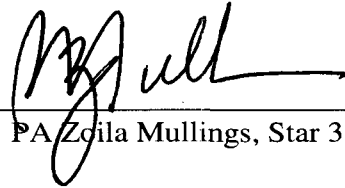
RECOMMENDATION FOR DISCIPLINARY ACTION

Sergeant Robert VANNA, star 2232, has reviewed the accused Disciplinary History, Complimentary History, and the evidence gathered in this investigation. Upon taking all the information into consideration, Sergeant VANNA recommends that the accused, Donald SIMMONS JR., receive a ten (10) day suspension.

DATE INITIATED: 16 June 2015

DATE COMPLETED: 27 January 2016

ELAPSED TIME: 204 Days



PA Zoila Mullings, Star 3231, Unit 121

APPROVALS



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs

**BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION**

27 January 2016

TO: Commanding Officer
Area South
Investigations Division

FROM: Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

SUBJECT: Approval of Log Investigation CL #1075709

The attached Log Investigation has been completed and submitted for approval.



Police Agent Zoila MULLINGS, Star 3231
Investigations Division
Bureau of Internal Affairs

APPROVED:



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs



Commanding Officer
Investigations Division
Bureau of Internal Affairs

SUMMARY REPORT

CL #1075709

EVIDENCE:

Attachments

	No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status
View	1	FACE SHEET	N/A				ADDINGTON, MARC	16-JUN-2015 20:19	
View	2	CONFLICT CERTIFICATION	N/A				WHITE, GLENN	25-JUN-2015 14:05	
View	3	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Affidavit Not-Required	YES	MULLINGS, ZOILA	10-DEC-2015 13:06	APPROVED
View	4	CONFLICT CERTIFICATION	N/A				MULLINGS, ZOILA	14-JUL-2015 09:47	
View	5	INITIATION REPORT	N/A	1	1075709	NO	ADDINGTON, MARC	16-JUN-2015 21:05	APPROVED
View	6	GENERAL OFFENSE CASE REPORT	N/A	3	Original Case Incident Report [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:35	APPROVED
View	7	REPORT (OTHER)	N/A	2	Copy of Administrative Message, Reference 218796 reporting accused Star and Duty Weapon taken in theft	NO	MULLINGS, ZOILA	10-DEC-2015 13:39	APPROVED
View	8	DETECTIVE SUPPLEMENTARY REPORT	N/A	7	Case Supplementary Report [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:31	APPROVED
View	9	INVENTORY SHEET	N/A	2	Property Inventory [REDACTED]	NO	MULLINGS, ZOILA	10-DEC-2015 13:33	APPROVED
View	10	REPORT (OTHER)	N/A	1	Gun Registration report	NO	MULLINGS, ZOILA	10-DEC-2015 13:41	APPROVED
View	11	WITNESS NOTIFICATION FOR CARROLL, EDWARD	WITNESS - CARROLL, EDWARD				MULLINGS, ZOILA	19-OCT-2015 13:41	PENDING WITNI ACKNOWLEDGE
View	12	WITNESS REPORT	N/A	5	Witness Report from Detective Carroll	YES	MULLINGS, ZOILA	10-DEC-2015 13:43	APPROVED

View	13	VIDEO RECORDING	N/A	1	Video footage from gas station	YES	MULLINGS, ZOILA	27-JAN-2016 10:31	APPROVED
View	14	REPORT (OTHER)	N/A	1	Review of video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:33	APPROVED
View	15	REPORT (OTHER)	N/A	1	Additional video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:35	APPROVED
View	16	ACCUSED NOTIFICATION OF ALLEGATIONS FOR SIMMONS JR, DONALD	ACCUSED - SIMMONS JR, DONALD				WHITE, GLENN	30-JUN-2015 14:05	ACCUSED ACKNOWLEDGE ALLEGATIONS
View	17	ACCUSED REPORT	N/A	8	Statement from accused PO Simmons	YES	MULLINGS, ZOILA	10-DEC-2015 13:48	APPROVED
View	18	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	15	Copy of directive U04-02, Section XVI	NO	MULLINGS, ZOILA	27-JAN-2016 10:40	APPROVED

INVESTIGATION:

In summary, this complaint was initiated by Sergeant Cullen MURPHY, star 2615, 018 District. In his initiation report Sergeant MURPHY reported that on 16 June 2015, the accused Police Officer Donald SIMMONS, star 8830, appeared at the 018 District and reported the theft of his Chicago Police Department star #8830, and his duty weapon, a Smith and Wesson M&P 9mm, serial [REDACTED], black in color with a 4inch barrel. (**Attachment 5**)

Original Case Incident Report [REDACTED] was completed in which the facts of this incident were recorded. According to Case Report [REDACTED] Officer SIMMONS stopped at the "Super Save 1" service station located at 9811 S. Halsted to refuel his 1995 Nissan Maxima. Upon swiping his credit card at the pump, Officer SIMMONS was notified to "see attendant." At this point, Officer SIMMONS entered the store after remotely locking his car doors, completed his purchase, and immediately returned to his vehicle. The report related that Officer SIMMONS drove to an appointment at the Garvey Elementary School located at 10309 S. Morgan and upon completion of his appointment, Officer SIMMONS discovered that his "Coach" pouch containing his service weapon and CPD star #8830, had been taken from his vehicle by unknown offender(s). Also taken was a Samsung Note 3 Android phone along with miscellaneous identification cards. Case Report [REDACTED] further relates that the accused returned to the service station and determined that there are video cameras mounted above the pumps. Officer SIMMONS received the name MAHMOUN for the attendant that could access the video footage. After unsuccessfully retracing his steps in an attempt to locate his belongings, Officer SIMMONS reported to the 018 District to report the theft. An AMFN message

was sent. AMFN message Reference #218796 entitled "Taken in Theft – CPD Star #8830 and Duty Weapon" was sent on 16 June 2015, at 2006 hours. (**Attachments' 6 and 7**)

In furtherance of this investigation, the Reporting Agent obtained the Detective Case Supplementary Report [REDACTED]. This report was completed by Detective Edward CARROLL, star 20262. In his report, Detective CARROLL related that on 16 June 2015, after being assigned this investigation he immediately went to the gas station located at 9811 S. Halsted to check for a working camera system. According to Case Supplementary Report [REDACTED] the employee on the scene told Detective CARROLL that there was a working camera system however; the store manager [REDACTED] who is responsible for operating the camera, was not in but was going to be in the following day. On 17 June 2015, Detective CARROLL reported to the gas station and obtained a copy of the video footage which showed an unknown male black suspect enter the accused car and take a small bag from inside. The male black suspect then got back in his car and left the scene. Detective CARROLL related in his report that he contacted victim Donald SIMMONS who related the facts of this incident stating that he inadvertently left his car open with his Coach Pouch/bag" on the front seat of his vehicle. Detective CARROLL further related in his report that because the video footage was of poor quality, he attempted to have the video footage enhanced for a possible identification of the suspect or license plate to the suspect's vehicle. (**Attachment 8**)

Accused Police Officer Donald SIMMONS was served with two allegations of failure to properly secure his duty weapon, and failure to secure his Department issued star, #8830. On 14 October 2015, the accused Police Officer Donald SIMMONS provided the Reporting Agent with his statement answering the allegations. In his statement, Officer SIMMONS related that he went to the gas station located at [REDACTED] to purchase gas but the machine wasn't working so he went inside to pay for the purchase. Officer SIMMONS stated that he was not aware that he was a victim of a theft until approximately 1400 to 1500 hours. Officer SIMMONS explained that after he obtained the gas he went to Marcus Garvey Elementary School located at 10309 S Morgan, where he was hired to perform. Officer SIMMONS explained that he is a professional clown and he was hired to perform for the kids at the school. Once he arrived at the school and started preparing for his routine Officer SIMMONS said he realized that he did not have the phone, which has WiFi installed, that he needed for his performance. Officer SIMMONS stated that he went to plan B and utilized his second phone. After he finished the show, Officer SIMMONS stated that he drove back to the gas station and asked to see the video tape. To this, Officer SIMMONS stated that the attendant told him that the video tape would not be available until the next day. Officer SIMMONS stated that he went home and to his unit to check the locker for his pouch but they were not there. At approximately 1630 hours, at the 018 District, Officer SIMMONS stated that he made a police report, [REDACTED] and Administrative Message 218796 was sent. Officer SIMMONS further stated that he did not go back to the gas station to obtain the video tape because the Detective that was handling the case advised him not to talk to the gas station personnel because he was handling the case from that point on. (**Attachments' 16 and 17**)

Once the detectives obtained the video tape Officer SIMMONS stated that they came to his District and showed him what happened. Officer SIMMONS stated that he observed himself use his remote and hit the remote to lock the doors to his vehicle. On the video Officer SIMMONS said he saw his rear lights flash which indicate that the vehicle was armed. Officer SIMMONS related that he went in to the store to pay for the gas at which point he saw the following: a male black about 12 to 15 years of age exit a vehicle which was parked parallel to his car on the other side of the pump, the male black then opened his car door, grabbed what looked to be his pouch, throw it in the other car, jumped into the car, and the car drove off. Officer SIMMONS stated that he did not know how the male black got into his car but his guess was that somehow the car didn't arm when he hit the remote button, a malfunction or something occurred. According to Officer SIMMONS his black Coach pouch which consisted of his duty weapon, his badge, miscellaneous cards, identification, and cell phone was taken. Upon questioning as to exactly where his pouch was prior to the theft, Officer SIMMONS stated that the locked pouch was under his driver's seat. Officer SIMMONS described the pouch as a black Coach pouch with a black master lock and a cord which was used to keep the zipper on the pouch locked. The Reporting Agent asked Officer SIMMONS why he didn't have his weapon in a location where it was more secure such as his home or on his person. To this Officer SIMMONS stated that he had only one weapon and he was told to keep his weapon close to him. In addition, Officer SIMMONS explained that his home had been burglarized twice, and he couldn't carry the weapon on his person because he was wearing shorts with no belt and he was transitioning i.e., getting ready to perform for the kids. Officer SIMMONS stated that he was a professional clown, he was going to the Garvey Elementary School to perform and he never wore his weapon when he was performing for the kids. **(Attachment 17)**

Officer SIMMONS also denied failing to secure his Department issued star. Officer SIMMONS reiterated that his Department star was inside the pouch which was stolen from his locked vehicle. Officer SIMMONS stated that he made police report [REDACTED] at the 018 District at approximately 1630 hours, and the sergeant sent out Administrative Message, number 218796, notifying the Department of the theft. To his knowledge, Officer SIMMONS stated that his weapon and star were not recovered and he received star 10635 to replace the one that was taken in the theft. In conclusion, Officer SIMMONS emphasized that he has been on the job for twelve years and he always had his weapon and star secure to the best of his ability. Officer SIMMONS said that he never leave his weapon around or in plain view and stated that he had to get gas which was the only time he was away from his vehicle. According to Officer SIMMONS, the weapon was secure and it was in a locked vehicle under the seat. Also, had the pump been working, Officer SIMMONS stated that he would never have had to walk to the gas station to pay for the gas. **(Attachment 17)**

Based on the Detective CARROLL'S Case Supplementary Report [REDACTED] and the statement provided by the accused, the Reporting Agent requested that Detective CARROLL provide a statement to the Bureau of Internal Affairs regarding his investigation. On 27 October 2015, the Reporting Agent interviewed Detective Edward CARROLL. During his statement, Detective CARROLL related that on 17 June 2015, he

watched the video he retrieved from the gas station located at [REDACTED] which showed the accused Officer SIMMONS pulling his vehicle up to the pumps to get gas. Officer SIMMONS attempted to use his credit card but there were some problems and he had to see the attendant. At that time, Detective CARROLL stated that the video showed Officer SIMMONS securing his vehicle by closing his car doors and using his key lock. According to Detective CARROLL, Officer SIMMONS pressed the key lock and the tail light of the vehicle flashed as if to lock the vehicle. (**Attachments' 11 and 12**)

Detective CARROLL stated that Officer SIMMONS then walked into the store at which point a male black suspect got out of a vehicle that was parked next to Officer SIMMONS' vehicle and opened the door to Officer SIMMONS' vehicle. Detective CARROLL related that the male black suspect entered Officer SIMMONS' vehicle for a few seconds and exited the vehicle with a black object in his hands. At that point, the male black suspect got back into his vehicle and the vehicle drove off. When asked how the male black suspect got into Officer SIMMONS' car after it was locked by Officer SIMMONS, Detective CARROLL explained that Officer SIMMONS attempted to secure his vehicle but for whatever reason he inadvertently left it open. When asked where the black pouch was that the male black took from Officer SIMMONS' vehicle Detective CARROLL stated that to his knowledge it was on the front seat or in the front area of the vehicle. Also, after viewing the video Officer SIMMONS told him that he inadvertently left his car open. Detective CARROLL went on to say that as of that date the officer's weapon and star had not been recovered. Facial recognition of the suspect and an attempt to get a possible license plate of the suspect's vehicle were conducted but the results were negative. Detective CARROLL provided the Reporting Agent with a copy of the video footage that he retrieved from the gas station regarding the theft of Officer SIMMONS' duty weapon and star. The Reporting Agent attempted to view the video footage on a later date but was unable to do so. The Reporting Agent attempted to contact Detective CARROLL to obtain a better copy but because of scheduled furlough for both Detective CARROLL and the Reporting Agent, it was not until 22 January 2016, that the Reporting Agent was able to get a working copy of the video footage. (**Attachments' 12 and 13**)

The Reporting Agent reviewed the video footage of the alleged incident which was provided by Detective CARROLL. The Reporting Agent observed the incident as follows: The accused drove up to the gas pump in a white vehicle at the alleged location at 1128 hours, and got out of his vehicle leaving the drivers' door open. The Reporting Agent observed the accused attempt to use his credit card at the pump and while doing this, the Reporting Agent observed a male black who was sitting in the front passenger seat of a vehicle parked parallel to the accused vehicle on the other side of the pump, looking directly into the accused vehicle through the open door. After not being able to use his credit card the accused closed his drivers side door and walked towards the store as he pressed the remote key to arm his vehicle. The rear lights on the vehicle flashed twice. At 1129 hours, the male black exited the passenger side of his vehicle, open the drivers' side door of the accused vehicle via the door handle, and enter the accused vehicle. A few seconds later, the male black exited the accused vehicle with a black object in his hand, walk back to the passenger side of his vehicle leaving the accused vehicle drivers' side door slightly cracked. At this point, the Reporting Agent observed

the male black throw the black object through the front passenger window his vehicle, get into the vehicle, and the vehicle sped off. A short time later the accused returned to his vehicle, pumped his gas, opened his drivers' side door (without the use of the remote), and drove off. Based on what the Reporting Agent saw on the video footage, the accused at this point, did not appear to realize that someone had entered his vehicle or that something had been taken from his vehicle. (**Attachments' 14 and 15**)

Based on the investigation and the evidence gathered, the Reporting Agent found the allegations that the accused failed to properly secure his duty weapon, a Smith and Wesson M&P 9mm, serial [REDACTED] and his Chicago Police Department star, #8830, to be sustained. The weapon and star were stolen from the accused vehicle, a 1995 Nissan Maxima GXE, license plate [REDACTED] on 16 June 2015. This theft occurred at a gas station located at [REDACTED] where the accused stopped to refuel his vehicle. The accused insisted that he locked his vehicle. However, video footage show a male black exiting his vehicle, opening the accused vehicle drivers' side door without any force, entering the accused vehicle, and removing a black object. The object was later found to be a black pouch in which the accused had his duty weapon and Department issued star. In short, the fact that the male black suspect simply opened the accused vehicle drivers' side door via the door handle without using any type of force indicates that the accused vehicle was not locked as he avowed. Consequently, the Reporting Agent has concluded that the accused officer failed to properly secure his duty weapon and Department issued star #8830, which were stolen from his vehicle. Based on the investigation, the accused's loaded duty weapon was unsecured in his vehicle, not secured on his person or in a location that would prohibit access to the weapon.

FINDINGS:

ACCUSED: Allegation #1:

Donald SIMMONS JR. PO, Star 10635, 018 District
SUSTAINED, Violation of Rule 6, "Disobedience of an order of directive, whether written or oral," in that on 16 June 2015, at [REDACTED] at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, The weapon was taken from the accused's vehicle where it was left unsecured in a black Coach pouch, in violation of Department directive U04-02, entitled "Department Approved Weapons and Ammunition," Section X.

Allegation #2:

SUSTAINED, Violation of Rule 13, "Failure adequately to secure and care for Department property," in that on 16 June 2015, at [REDACTED] at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his Chicago Police Department issued star #8830. The star was taken from the

accused vehicle where it was left unsecured in a black Coach pouch, in violation of Department Rules and Regulation.

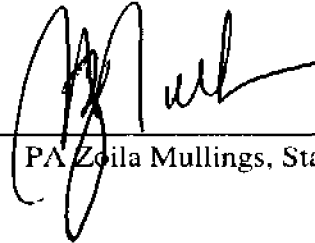
RECOMMENDATION FOR DISCIPLINARY ACTION

Sergeant Robert VANNA, star 2232, has reviewed the accused Disciplinary History, Complimentary History, and the evidence gathered in this investigation. Upon taking all the information into consideration, Sergeant VANNA recommends that the accused, Donald SIMMONS JR., receive a eleven (11) day suspension.

DATE INITIATED: 16 June 2015

DATE COMPLETED: 27 January 2016

ELAPSED TIME: 204 Days



PA Zoila Mullings, Star 3231, Unit 121

APPROVALS



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs

**BUREAU OF INTERNAL AFFAIRS
INVESTIGATIONS DIVISION**

27 January 2016

TO: Commanding Officer
Area South
Investigations Division

FROM: Police Agent Zoila MULLINGS, Star 3231
Area South
Investigations Division

SUBJECT: Approval of Log Investigation CL #1075709

The attached Log Investigation has been completed and submitted for approval.



Police Agent Zoila MULLINGS, Star 3231
Investigations Division
Bureau of Internal Affairs

APPROVED:



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs



Commanding Officer
Investigations Division
Bureau of Internal Affairs

SUMMARY REPORT
CHICAGO POLICE DEPARTMENTLOG NO
1075709TYPE
CRDATE OF REPORT
27-JAN-2016**TO:**
CHIEF, BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
MULLINGS, ZOILA	9174	3231		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 9811 S. HALSTED ST, CHICAGO, IL 60628	DATE / TIME: 16-JUN-2015 11:06	BEAT: 2223
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
SIMMONS JR, DONALD A	9161	10635		018		M / BLK		28-APR-2003	NO	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
MURPHY, CULLEN	RANK: 9171, STAR NO: 2615, EMP NO:		Bad Phone No:	M / WHI	/ 40

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
CARROLL, EDWARD	RANK: 9165, STAR NO: 20262, EMP NO:			M / WHI	/ 49

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

NOTE: Log "Type" is classified CR – sworn affidavit not required.

1. The complainant Police Agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at [REDACTED] at approximately 1130, the duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. [REDACTED] 9mm, Blue Steel 4.25 inch bbl, belonging to the accused Police Officer Donald SIMMONS Jr., Star # 10635, was taken from his vehicle. It is alleged that the accused failed to properly secure his weapon.
2. The Complainant Police agent Zoila MULLINGS, star 3231, alleges that on 16 June 2015, at 9811 S. Halsted St., Chicago, Illinois, at approximately 1130 hours, the Chicago Police Department star, No. 8830, issued to the accused Police Officer Donald SIMMONS Jr., was taken from his vehicle. It is alleged that the accused failed to properly secure his Department issued star.

INSTRUCTIONS FOR THE SUMMARY REPORT

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8 1/2 x 11 INCH WHITE PAPER.

ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1 (Summarize the allegation)
- No. 2 (Summarize the allegation)

2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Log number must also be entered on the lower right hand corner of each attachment. Following are numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Face Sheet - Yellow
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to reporting party
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. _____
- No. 11 Signed Sworn Affidavit

3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

4. FINDINGS

Each allegation must be classified as either of the following:
Unfounded - Exonerated - Not Sustained - Sustained - No Affidavit.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded
Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded
Allegation No. 2. Not Sustained Other violation: Sustained-Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report, Refer to the General Order entitled "Complaint and Disciplinary Procedures."

5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation

Examples: 1. Violation noted, no disciplinary action warranted.
2. That the accused member be reprimanded.
3. That the accused member be suspended for days
4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

(Investigator)			
Rank	Name	Star No.	Unit

9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44. 113-A) by completing the Investigator section.

SUMMARY REPORT

CL #1075709

EVIDENCE:

Attachments

	No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status
View	1	FACE SHEET	N/A				ADDINGTON, MARC	16-JUN-2015 20:19	
View	2	CONFLICT CERTIFICATION	N/A				WHITE, GLENN	25-JUN-2015 14:05	
View	3	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Affidavit Not-Required	YES	MULLINGS, ZOILA	10-DEC-2015 13:06	APPROVED
View	4	CONFLICT CERTIFICATION	N/A				MULLINGS, ZOILA	14-JUL-2015 09:47	
View	5	INITIATION REPORT	N/A	1	1075709	NO	ADDINGTON, MARC	16-JUN-2015 21:05	APPROVED
View	6	GENERAL OFFENSE CASE REPORT	N/A	3	Original Case Incident Report	NO	MULLINGS, ZOILA	10-DEC-2015 13:35	APPROVED
View	7	REPORT (OTHER)	N/A	2	Copy of Administrative Message, Reference 218796 reporting accused Star and Duty Weapon taken in theft	NO	MULLINGS, ZOILA	10-DEC-2015 13:39	APPROVED
View	8	DETECTIVE SUPPLEMENTARY REPORT	N/A	7	Case Supplementary Report	NO	MULLINGS, ZOILA	10-DEC-2015 13:31	APPROVED
View	9	INVENTORY SHEET	N/A	2	Property Inventory	NO	MULLINGS, ZOILA	10-DEC-2015 13:33	APPROVED
View	10	REPORT (OTHER)	N/A	1	Gun Registration report	NO	MULLINGS, ZOILA	10-DEC-2015 13:41	APPROVED
View	11	WITNESS NOTIFICATION FOR CARROLL, EDWARD	WITNESS - CARROLL, EDWARD				MULLINGS, ZOILA	19-OCT-2015 13:41	PENDING WITNI ACKNOWLEDGE
View	12	WITNESS REPORT	N/A	5	Witness Report from Detective Carroll	YES	MULLINGS, ZOILA	10-DEC-2015 13:43	APPROVED

View	13	VIDEO RECORDING	N/A	1	Video footage from gas station	YES	MULLINGS, ZOILA	27-JAN-2016 10:31	APPROVED
View	14	REPORT (OTHER)	N/A	1	Review of video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:33	APPROVED
View	15	REPORT (OTHER)	N/A	1	Additional video footage report	YES	MULLINGS, ZOILA	27-JAN-2016 10:35	APPROVED
View	16	ACCUSED NOTIFICATION OF ALLEGATIONS FOR SIMMONS JR, DONALD	ACCUSED - SIMMONS JR, DONALD				WHITE, GLENN	30-JUN-2015 14:05	ACCUSED ACKNOWLEDGE ALLEGATIONS
View	17	ACCUSED REPORT	N/A	8	Statement from accused PO Simmons	YES	MULLINGS, ZOILA	10-DEC-2015 13:48	APPROVED
View	18	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	15	Copy of directive U04-02, Section XVI	NO	MULLINGS, ZOILA	27-JAN-2016 10:40	APPROVED

INVESTIGATION:

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Accused Police Officer Donald SIMMONS was served with two allegations of failure to properly secure his duty weapon, and failure to secure his Department issued star, #8830. On 14 October 2015, the accused Police Officer Donald SIMMONS provided the Reporting Agent with his statement answering the allegations. In his statement, Officer SIMMONS related that he went to the gas station located at 9811 S. Halsted to purchase gas but the machine wasn't working so he went inside to pay for the purchase. Officer SIMMONS stated that he was not aware that he was a victim of a theft until approximately 1400 to 1500 hours. Officer SIMMONS explained that after he obtained the gas he went to Marcus Garvey Elementary School located at 10309 S Morgan, where he was hired to perform. Officer SIMMONS explained that he is a professional clown and he was hired to perform for the kids at the school. Once he arrived at the school and started preparing for his routine Officer SIMMONS said he realized that he did not have the phone, which has WiFi installed, that he needed for his performance. Officer SIMMONS stated that he went to plan B and utilized his second phone. After he finished the show, Officer SIMMONS stated that he drove back to the gas station and asked to see the video tape. To this, Officer SIMMONS stated that the attendant told him that the video tape would not be available until the next day. Officer SIMMONS stated that he went home and to his unit to check the locker for his pouch but they were not there. At approximately 1630 hours, at the 018 District, Officer SIMMONS stated that he made a police report, [REDACTED] and Administrative Message 218796 was sent. Officer SIMMONS further stated that he did not go back to the gas station to obtain the video tape because the Detective that was handling the case advised him not to talk to the gas station personnel because he was handling the case from that point on. (**Attachments' 16 and 17**)

Once the detectives obtained the video tape Officer SIMMONS stated that they came to his District and showed him what happened. Officer SIMMONS stated that he observed himself use his remote and hit the remote to lock the doors to his vehicle. On the video Officer SIMMONS said he saw his rear lights flash which indicate that the vehicle was armed. Officer SIMMONS related that he went in to the store to pay for the gas at which point he saw the following: a male black about 12 to 15 years of age exit a vehicle which was parked parallel to his car on the other side of the pump, the male black then opened his car door, grabbed what looked to be his pouch, throw it in the other car, jumped into the car, and the car drove off. Officer SIMMONS stated that he did not know how the male black got into his car but his guess was that somehow the car didn't arm when he hit the remote button, a malfunction or something occurred. According to Officer SIMMONS his black Coach pouch which consisted of his duty weapon, his badge, miscellaneous cards, identification, and cell phone was taken. Upon questioning as to exactly where his pouch was prior to the theft, Officer SIMMONS stated that the locked pouch was under his driver's seat. Officer SIMMONS described the pouch as a black Coach pouch with a black master lock and a cord which was used to keep the zipper on the pouch locked. The Reporting Agent asked Officer SIMMONS why he didn't have his weapon in a location where it was more secure such as his home or on his person. To this Officer SIMMONS stated that he had only one weapon and he was told to keep his weapon close to him. In addition, Officer SIMMONS explained that his home had been burglarized twice, and he couldn't carry the weapon on his person because he was wearing shorts with no belt and he was transitioning i.e., getting ready to perform for the kids. Officer SIMMONS stated that he was a professional clown, he was going to the Garvey Elementary School to perform and he never wore his weapon when he was performing for the kids. **(Attachment 17)**

Officer SIMMONS also denied failing to secure his Department issued star. Officer SIMMONS reiterated that his Department star was inside the pouch which was stolen from his locked vehicle. Officer SIMMONS stated that he made police report [REDACTED] at the 018 District at approximately 1630 hours, and the sergeant sent out Administrative Message, number 218796, notifying the Department of the theft. To his knowledge, Officer SIMMONS stated that his weapon and star were not recovered and he received star 10635 to replace the one that was taken in the theft. In conclusion, Officer SIMMONS emphasized that he has been on the job for twelve years and he always had his weapon and star secure to the best of his ability. Officer SIMMONS said that he never leave his weapon around or in plain view and stated that he had to get gas which was the only time he was away from his vehicle. According to Officer SIMMONS, the weapon was secure and it was in a locked vehicle under the seat. Also, had the pump been working, Officer SIMMONS stated that he would never have had to walk to the gas station to pay for the gas. **(Attachment 17)**

Based on the Detective CARROLL'S Case Supplementary Report [REDACTED] and the statement provided by the accused, the Reporting Agent requested that Detective CARROLL provide a statement to the Bureau of Internal Affairs regarding his investigation. On 27 October 2015, the Reporting Agent interviewed Detective Edward CARROLL. During his statement, Detective CARROLL related that on 17 June 2015, he

watched the video he retrieved from the gas station located at [REDACTED] which showed the accused Officer SIMMONS pulling his vehicle up to the pumps to get gas. Officer SIMMONS attempted to use his credit card but there were some problems and he had to see the attendant. At that time, Detective CARROLL stated that the video showed Officer SIMMONS securing his vehicle by closing his car doors and using his key lock. According to Detective CARROLL, Officer SIMMONS pressed the key lock and the tail light of the vehicle flashed as if to lock the vehicle. (**Attachments' 11 and 12**)

Detective CARROLL stated that Officer SIMMONS then walked into the store at which point a male black suspect got out of a vehicle that was parked next to Officer SIMMONS' vehicle and opened the door to Officer SIMMONS' vehicle. Detective CARROLL related that the male black suspect entered Officer SIMMONS' vehicle for a few seconds and exited the vehicle with a black object in his hands. At that point, the male black suspect got back into his vehicle and the vehicle drove off. When asked how the male black suspect got into Officer SIMMONS' car after it was locked by Officer SIMMONS, Detective CARROLL explained that Officer SIMMONS attempted to secure his vehicle but for whatever reason he inadvertently left it open. When asked where the black pouch was that the male black took from Officer SIMMONS' vehicle Detective CARROLL stated that to his knowledge it was on the front seat or in the front area of the vehicle. Also, after viewing the video Officer SIMMONS told him that he inadvertently left his car open. Detective CARROLL went on to say that as of that date the officer's weapon and star had not been recovered. Facial recognition of the suspect and an attempt to get a possible license plate of the suspect's vehicle were conducted but the results were negative. Detective CARROLL provided the Reporting Agent with a copy of the video footage that he retrieved from the gas station regarding the theft of Officer SIMMONS' duty weapon and star. The Reporting Agent attempted to view the video footage on a later date but was unable to do so. The Reporting Agent attempted to contact Detective CARROLL to obtain a better copy but because of scheduled furlough for both Detective CARROLL and the Reporting Agent, it was not until 22 January 2016, that the Reporting Agent was able to get a working copy of the video footage. (**Attachments' 12 and 13**)

The Reporting Agent reviewed the video footage of the alleged incident which was provided by Detective CARROLL. The Reporting Agent observed the incident as follows: The accused drove up to the gas pump in a white vehicle at the alleged location at 1128 hours, and got out of his vehicle leaving the drivers' door open. The Reporting Agent observed the accused attempt to use his credit card at the pump and while doing this, the Reporting Agent observed a male black who was sitting in the front passenger seat of a vehicle parked parallel to the accused vehicle on the other side of the pump, looking directly into the accused vehicle through the open door. After not being able to use his credit card the accused closed his drivers side door and walked towards the store as he pressed the remote key to arm his vehicle. The rear lights on the vehicle flashed twice. At 1129 hours, the male black exited the passenger side of his vehicle, open the drivers' side door of the accused vehicle via the door handle, and enter the accused vehicle. A few seconds later, the male black exited the accused vehicle with a black object in his hand, walk back to the passenger side of his vehicle leaving the accused vehicle drivers' side door slightly cracked. At this point, the Reporting Agent observed

the male black throw the black object through the front passenger window his vehicle, get into the vehicle, and the vehicle sped off. A short time later the accused returned to his vehicle, pumped his gas, opened his drivers' side door (without the use of the remote), and drove off. Based on what the Reporting Agent saw on the video footage, the accused at this point, did not appear to realize that someone had entered his vehicle or that something had been taken from his vehicle. (**Attachments' 14 and 15**)

Based on the investigation and the evidence gathered, the Reporting Agent found the allegations that the accused failed to properly secure his duty weapon, a Smith and Wesson M&P 9mm, serial [REDACTED] and his Chicago Police Department star, #8830, to be sustained. The weapon and star were stolen from the accused vehicle, a 1995 Nissan Maxima GXE, license plate [REDACTED] on 16 June 2015. This theft occurred at a gas station located at [REDACTED] where the accused stopped to refuel his vehicle. The accused insisted that he locked his vehicle. However, video footage show a male black exiting his vehicle, opening the accused vehicle drivers' side door without any force, entering the accused vehicle, and removing a black object. The object was later found to be a black pouch in which the accused had his duty weapon and Department issued star. In short, the fact that the male black suspect simply opened the accused vehicle drivers' side door via the door handle without using any type of force indicates that the accused vehicle was not locked as he avowed. Consequently, the Reporting Agent has concluded that the accused officer failed to properly secure his duty weapon and Department issued star #8830, which were stolen from his vehicle. Based on the investigation, the accused's loaded duty weapon was unsecured in his vehicle, not secured on his person or in a location that would prohibit access to the weapon.

FINDINGS:

ACCUSED: Allegation #1:

Donald SIMMONS JR. PO, Star 10635, 018 District
SUSTAINED, Violation of Rule 6, "Disobedience of an order of directive, whether written or oral," in that on 16 June 2015, at 9811 S. Halsted St., Chicago, Illinois, at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his duty weapon, a Semi-Automatic Smith and Wesson, Model M/P, Serial No. DXC9862, 9mm, Blue Steel 4.25 inch bbl, The weapon was taken from the accused's vehicle where it was left unsecured in a black Coach pouch, in violation of Department directive U04-02, entitled "Department Approved Weapons and Ammunition," Section X.

Allegation #2:

SUSTAINED, Violation of Rule 13, "Failure adequately to secure and care for Department property," in that on 16 June 2015, at 9811 S. Halsted St., Chicago, Illinois, at approximately 1130, the accused Police Officer Donald SIMMONS, failed to properly secure his Chicago Police Department issued star #8830. The star was taken from the

accused vehicle where it was left unsecured in a black Coach pouch, in violation of Department Rules and Regulation.

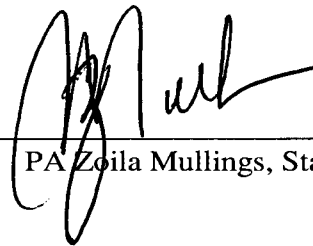
RECOMMENDATION FOR DISCIPLINARY ACTION

Sergeant Robert VANNA, star 2232, has reviewed the accused Disciplinary History, Complimentary History, and the evidence gathered in this investigation. Upon taking all the information into consideration, Sergeant VANNA recommends that the accused, Donald SIMMONS JR., receive a eleven (11) day suspension.

DATE INITIATED: 16 June 2015

DATE COMPLETED: 27 January 2016

ELAPSED TIME: 204 Days



PA Zoila Mullings, Star 3231, Unit 121

APPROVALS



Case Management Supervisor
Investigations Division
Bureau of Internal Affairs

**REQUEST FOR REVIEW OF DISCIPLINE
(FOR DISCIPLINE OF ELEVEN (11) TO THIRTY (30) DAYS)**

BUREAU OF INTERNAL AFFAIRS/
INDEPENDENT POLICE REVIEW AUTHORITY
CHICAGO POLICE DEPARTMENT

SUPERVISOR PRESENTING TO ACCUSED:

NAME <u>Eitel</u>	STAR NO. <u>2015</u>
SIGNATURE <u>[Signature]</u>	
DATE <u>28 JUN 16</u>	TIME <u>0415</u>

NAME P.O. Donald Simmons Jr.	STAR NO. 10635	COMPLAINT REGISTER NO. 1075709
VIOLATION OF RULE NO(S). 6 & 13		PENALTY 11 Day Suspension

NOTE: IF THE ACCUSED INTENDS TO USE THE 10 DAY OPTION, MAKE A COPY OF THE ORIGINAL REQUEST FORM AND SEND THE COPY TO BIA OR IPRA WITH THIS BOX ONLY COMPLETED. WHEN THE ACCUSED MAKES AN ELECTION ON THE ORIGINAL FORM, SEND THE COMPLETED ORIGINAL TO BIA OR IPRA.

☐

BY INITIALIZING THIS BOX I ACKNOWLEDGE THAT BY NOT MAKING AN ELECTION WITHIN 10 DAYS AND RETURNING THIS FORM TO BIA OR IPRA WILL BE DEEMED AN ACCEPTANCE OF THE PENALTY.

NOTE: AN ACCUSED MEMBER HAS TEN (10) WORKING DAYS TO CHOOSE ONE OF THE FOLLOWING OPTIONS. IN THE EVENT THE ACCUSED DOES NOT MAKE AN ELECTION WITHIN TEN (10) WORKING DAYS THE PENALTY WILL BE DEEMED ACCEPTED.

☐ **ACCEPTANCE OF PENALTY**

I accept the above penalty and waive my right to a review of the penalty.

☐ **ELECT TO FILE A GRIEVANCE. I WILL SUBMIT THE APPROPRIATE GRIEVANCE REPORT WITHIN THE TIME PARAMETERS DELINEATED IN MY COLLECTIVE BARGAINING AGREEMENT.**

Sworn represented members **SHALL NOT** be required to serve the suspension until such time as the arbitrator's award is received.

☒ **(FOR F.O.P. MEMBERS ONLY) ELECT TO FILE A GRIEVANCE SEEKING BINDING SUMMARY OPINION. I WILL SUBMIT THE APPROPRIATE GRIEVANCE REPORT WITHIN THE TIME PARAMETERS DELINEATED IN MY COLLECTIVE BARGAINING AGREEMENT.**

Sworn represented members **SHALL NOT** be required to serve the suspension until such time as the arbitrator's award is received.

SIGNATURE

[Signature]
(ACCUSED MEMBER)

DATE & TIME

28 June 16 / 0415
7 July 16 DAS

The supervisor presenting this form will note the date and time of presentation to the accused in the upper right hand corner. The supervisor will sign (and date/time) the form when an election is made and immediately forward the original to BIA or IPRA and give the copy to the accused. If the accused intends to use the 10 day option, make a copy of the original request form and send the copy to BIA or IPRA.

The accused will make an election and sign (and date/time) the form. If the accused refuses to sign the form, the presenting supervisor will mark the form "Refused", sign, and forward it to the Bureau of Internal Affairs/Independent Police Review Authority. A REFUSAL TO SIGN WILL BE DEEMED AN ACCEPTANCE OF THE PENALTY IF THE ACCUSED FAILS TO MAKE AN ELECTION WITHIN TEN (10) WORKING DAYS.

SIGNATURE

[Signature]
(SUPERVISOR/WITNESS)

DATE & TIME

28 Jun 16

NOTE: AN ACCUSED MEMBER HAS TEN (10) WORKING DAYS IN WHICH TO MAKE AN AND RETURN FORM TO THE BUREAU OF INTERNAL AFFAIRS OR THE INDEP

**Return to: P.O. J. Jones
Advocate Section
Bureau of Internal Affairs
Unit 121 - Pax 0604**

**REQUEST FOR POLICE BOARD REVIEW/ ELECT TO FILE A
GRIEVANCE/ ELECT TO FILE A GRIEVANCE SEEKING
BINDING SUMMARY OPINION (FOP MEMBERS ONLY)
BUREAU OF INTERNAL AFFAIRS / CHICAGO POLICE DEPARTMENT**

COMPLAINT LOG NO: 1075709

SPECIFICATIONS

Accused: P.O. Donald Simmons, Jr. **Star:** 10635 **Unit:** 018

Rule 6: Disobedience of any order or directive, whether written or oral.

Basis: It was determined that on 16 June 2015, at [REDACTED] at approximately 1130hrs, the Accused failed to properly secure his duty weapon, a semi-automatic Smith and Wesson, Model M/P, Serial No [REDACTED] 9mm, Blue Steel 4.25 inch bbl, by leaving the weapon in his vehicle in a black Coach pouch, violation of Department Directive U04-02, entitled, Department Approved Weapon and Ammunition, Section X.

Rule 13 Failure to adequately secure and care for Department property.

Basis: It was determined on 15 June 2015, at [REDACTED] at approximately 11hrs, the Accused failed to properly secure his Chicago Police Department issued star #8830 by leaving the Star in the Accused's vehicle unsecured.

**ACCUSED MEMBER WILL ALSO ENDORSE
THIS NOTIFICATION OF SPECIFICATIONS.**

SIGNATURE _____

DATE _____

28 August 2017

TO: Eddie T. Johnson
Superintendent of Police

Eddie L. Welch III
Chief
Bureau of Internal Affairs

Attention: Sgt. Luke Connolly
Commanding Officer
Department Advocate Section

Sgt. Nichelle Fractions
Commanding Officer
Records Section

Fred L. Waller
Chief
Bureau of Patrol

Attention: Paul R. Bauer
Commander
018 District

FROM: Wynter C.N. Jackson
Director
Management and Labor Affairs Section

SUBJECT: **Binding Summary Opinion - Grievance # 018-16-010**
Grievant: P.O. Donald Simmons # 10635, Employee No. [REDACTED]
Unit 018, CR No. 1075709

DECISION: The Arbitrator ruled the Department did not have just cause to issue Grievant Donald Simmons an eleven (11) day suspension. However, the Department did have just cause to issue the Grievant a ten (10) day suspension. The Grievant will be made whole for his losses beyond 10 days, and his disciplinary record will be adjusted accordingly.

Pursuant to the above captioned decision, the following actions must be taken:

The BIA Department Advocate Section: Will ensure that the grievant is suspended in accordance with the Binding Summary Opinion and **copies of any relevant documents (i.e. suspension notification), which indicate compliance, are included with this reply.** Additionally, kindly review the *Union's* argument and *Discussion* of the case and note the justification for the reduced penalty.

The BIA Records Section: Will ensure that the record of the grievant is reflected in accordance to this Binding Summary Opinion.

SUBJECT: Binding Summary Opinion - Grievance # 018-16-010

Grievant: P.O. Donald Simmons # 10635, Employee No. [REDACTED]
Unit 018, CR No. 1075709

The District/Unit Commander (018): Will ensure the grievance number is considered closed after implementation of the Binding Summary Opinion.

If directed to take any action, please reply to Management and Labor Affairs Section upon compliance with this directive. Please attach any relevant documentation, which indicates compliance with this reply. If there are any questions regarding this directive, please contact Sgt. Magdalena Garrison, Management & Labor Affairs Section on Pax 0671 / 0672 or Bell 745-5806.



Wynter C.N. Jackson
Director
Management and Labor Affairs Section

Approved:



Charise Valente
General Counsel
Office of the Superintendent

Compliance:

Signature: _____ Title: _____
Date: _____ Unit: _____
Documentation: _____

WCNJ/mg

BEFORE
JACALYN J. ZIMMERMAN
ARBITRATOR

CITY OF CHICAGO (DEPARTMENT OF POLICE)	GRIEVANT: Officer Donald Simmons, Jr. Star No. 10635
and	GRIEVANCE NO: 018-16-010/288
FRATERNAL ORDER OF POLICE CHICAGO LODGE NO. 7	CR NO: 1075709

BINDING SUMMARY OPINION

Background

This matter is submitted for the issuance of a binding Summary Opinion concerning an 11-day suspension issued to Officer Donald Simmons, Jr. (the Grievant). It arose out of an incident on June 16, 2015, when the Grievant's weapon and star were taken from his vehicle; he was accused of failing to properly secure them.

The Grievant was found to have violated City of Chicago Police Department (Department) Rules #6 (Disobedience of an order or directive, whether written or oral); and #13 (Failure to adequately secure and care for Department property). The hearing was held in Chicago, Illinois on July 18, 2017, at which time the Grievant was given the opportunity to make a full statement to the arbitrator, and the parties had the opportunity to make arguments in support of their respective positions. Upon careful review of the record as a whole, and having given due consideration to the parties' arguments, I find as follows:

Record facts

The Grievant was appointed to the Department in 2003. On June 16, 2015, he appeared at the 18th District to report a theft from his vehicle, including his duty weapon and star. The matter was investigated by the Bureau of Internal Affairs (BIA).

As the Grievant told the BIA investigator, he was off-duty and on his way to a school to perform as a clown when he stopped at a gas station at [REDACTED]. He had to go inside the station to pay for the gas because the machine at the pump was not working. He stated that he used the key fob to lock the car's doors, and the car was locked when he went inside the building.

The Grievant maintained that his duty weapon, his star, his cell phone and other items were secured in a locked Coach bag, under the driver's seat of the car. The weapon was loaded. Later that day, when he wanted to use his cell phone, he realized that the bag was gone. He reported the incident to the 18th District as a theft.

The Department obtained a video surveillance tape, which the Grievant, the detective assigned to the theft case, and the BIA investigator reviewed. It was not included in the arbitration file. As the Grievant recited, it showed him get out of the car to pump the gas; the driver's side door was ajar. He "grabbed his remote" and, the video, shows, the car's rear lights flashed, an indication that the car had been armed. He then observed, on the tape, a young black male exit a vehicle parked parallel to his, on the other side of the pump. The man opened his car door, grabbed what appeared to be his pouch, threw it in his car and took off.

When the investigator asked how the young man got into his vehicle if it was locked, the Grievant replied that that was the "mystery question," because since that day every time he hit the remote the car doors all locked. He believed the remote had somehow malfunctioned that day.

The BIA investigator reviewed the theft case report prepared by Detective Edward Carroll; he also gave a statement to the BIA. The detective's report indicates that the Grievant told him he inadvertently left his car door open and the Coach bag on the front seat of the vehicle when he went inside to pay for the gas.

The BIA report indicates that Detective Carroll gave essentially the same account of what the video portrayed as the Grievant. He stated that he observed the Grievant close the car door and the tail lights flash when he used the key lock, and the young black male exit his car immediately as the Grievant walked into the building. When the BIA investigator asked Detective Carroll how the young male got into the car if it was locked, Detective Carroll replied that the Grievant told him he had attempted to secure his vehicle but "for whatever reason he inadvertently left it open." The detective also reported that to his knowledge the black bag was on the front seat or the center front area of the vehicle.

The BIA report also includes the investigator's observations of the video. In addition to the observations of the Grievant and the detective, she noted that the black male in the other car looked directly into the Grievant's vehicle as he pumped glass. After he was unable to pay at the pump, she observed that he closed the driver's door and the rear lights of his vehicle flashed twice as he pressed his remote key to arm the vehicle.

She saw the young black male enter the driver's door of the Grievant's vehicle by using the door handle, leaving the door slightly cracked. She further observed the Grievant return to his car and open his door without using his remote.

The investigator found that although the Grievant insisted he locked his car when he went inside the gas station, the video showed the young man opening the driver's side door without any force, removing a black object, and exiting the vehicle. That he was able to open the door in this manner, the investigator stated, demonstrates that the vehicle was in fact not locked. She concluded that the Grievant had failed to properly secure his duty weapon and star, and was therefore guilty of the charges against him. As of January 27, 2016, when the BIA investigator submitted her report, the Grievant's weapon and star had not been recovered. The elapsed time of the investigation was 204 days.

The investigator did not recommend a penalty, although the instructions for preparation of a summary report specifically require that the investigator make an overall disciplinary recommendation. On January 27, 2016, in a To/From to his Commanding Officer, Area South Investigations Division Sergeant Robert Vanna indicated that he had reviewed the BIA investigator's report and the Grievant's history and recommended an 11-

day suspension. The Command Channel Review log shows that the penalty was 10 days, with concurrence to that suspension throughout Command Channel Review (CCR).

The Grievant's history

The Grievant's complimentary history shows 43 awards. The Grievant's disciplinary record shows a two-day suspension for failure to submit/improper reports in 2012.

The Grievant's statement

The Grievant stated that he is a 14-year Department veteran and has entertained children as a clown for many years. He maintained that he was victimized from the beginning of this incident, and it was unfair for the Department to penalize him. He added that he did not believe he could have done anything differently, and an 11-day suspension is very excessive. At a minimum, it should be reduced.

The parties' arguments

The Union

The Union first asserts that there were procedural violations in this investigation. It was not completed in a timely manner, and, contrary to the requirement that she do so, the investigator made no disciplinary recommendation. Instead, it was assessed by someone who simply read the cold file.

On the merits, the FOP recognizes that the loss of a weapon is a serious matter, but the purpose of discipline is to correct behavior, not serve as punishment. The evidence shows that the Grievant attempted to lock the vehicle, and the bag was locked and secured under the seat. At best, all someone could have known was that there was a bag under the seat.

The Union also notes that everyone involved said the same thing, that they saw the Grievant lock the vehicle with his car fob and the car's rear lights flash, indicating the car was locked. The Grievant was only gone for 30 seconds to one minute, and no one could anticipate a theft so quickly. In addition, GO U-04-02, Section 10, C. requires that an officer

secure a firearm not on their person in a locked box or container or secured in another location that a reasonable person would believe would prohibit access by unapproved individuals. Either method of securing a weapon satisfies the GO's requirement, and the Grievant clearly complied with the second alternative. The Union also notes that the Grievant lost valuable personal property as well as his Department-issued items.

At a minimum, the suspension should be reduced. The Union also asks that the Grievant be allowed to surrender elective time to satisfy any suspension assessed.

The Employer

The Department asserts that the discipline was timely imposed and notes that everyone in CCR concurred on a 10-day penalty. Department policy requires that a weapon be secured where an unauthorized person would not have access, and a vehicle is not such a location. While there may well have been a locking mechanism on the bag, items are often stolen from vehicles as they are an easy target.

The Employer notes that there is a question as to whether the vehicle was actually locked, and when an officer decides to carry his weapon and star off-duty he accepts responsibility for securing them. They have never been recovered.

Discussion

There is no dispute that the Grievant's weapon and star were stolen from his vehicle; the questions in this case are whether he bears responsibility because the items were not properly secured, and, if so, whether the level of discipline assessed is appropriate.

At the outset, I do not find that the length of this investigation prejudiced the Grievant or rendered the Department's actions invalid. In addition, although the Union is correct that the investigator should have made a penalty recommendation, I also cannot find that the Grievant was prejudiced by the fact that it was made by another individual, who reviewed the paper file. The ultimate penalty determination is usually made by individuals in CCR and the Superintendent's Office, who analyze the BIA file, as, in this process, does the arbitrator. The more significant matter is that the investigator did make findings as to whether the charges should be sustained, and the penalty recommended was in line with the usual

sanction for the type of misconduct alleged against the Grievant. The primary question is whether the Grievant is guilty of that misconduct.

The Grievant, the detective and the BIA investigator reviewed the video of the scene, and gave consistent accounts of what they observed. The Grievant acknowledged that he had his door ajar as he pumped the gas, and everyone who observed the video saw him close the door. However, while the Grievant insisted before the BIA and the arbitrator that he locked the car, there is no way the offender could have opened the door that quickly, using only the handle as observed in the video, unless the door was not locked.

Before the BIA and the arbitrator, the Grievant maintained that the key fob must have malfunctioned, even though it apparently worked fine both before and after this incident. A malfunction on this one critical occasion seems unlikely. The detective testified that the Grievant told him he left the door ajar, and, even if the Grievant pushed the door to close it, that seems to be the likely explanation for what occurred: The Grievant did not ensure that the door was fully closed before he activated the lock. Especially with his gun and badge in the car, it was critical for him to do so and he in fact left the items unsecured.

Further, while the Grievant insisted to the BIA and the arbitrator that the items were secured under the driver's seat, the detective testified that it was his understanding that the bag was in fact on the seat or in the front area of the car. The video showed the young male looking directly into the car, and the speed with which he removed the bag and took off indicates that he may very well have identified what he wanted. He did not have enough time to rummage around in the car in the hope of finding something valuable. It therefore appears that the bag was, at least for some period of time, visible. That leads to the obvious conclusion that it was not secured. The fact that the bag was locked is of little importance; it could have been, and doubtless was, easily cut open.

The record as a whole demonstrates to me that the Grievant was not careful enough to ensure that his door was fully closed, and he had the bag in view at some point; perhaps he opened it to get his credit card to pay for the gas. Obviously, this was not a secure situation, even for a very short period of time. The Grievant violated Department policy and is responsible for the loss of his weapon and badge.

With respect to the penalty, the measure of discipline assessed here is in line with the usual sanction for the loss of a weapon and badge. However, although the BIA recommendation was 11 days, everyone in CCR listed the suspension as 10 days and concurred with that. The record includes no explanation for who increased it back to 11 days, or why that occurred. Therefore, the Department has not justified the additional day. The penalty will be reduced to 10 days.

The Employer did not have just cause to issue the Grievant the 11-day suspension, but it did have just cause to issue him a 10-day suspension.

AWARD

The Department did not have just cause to issue the Grievant an 11-day suspension. However, it did have just cause to issue him a 10-day suspension in connection with the events of June 16, 2015. Therefore, the grievance is sustained in part. The Grievant will be made whole for his losses beyond 10 days, and his disciplinary record will be adjusted accordingly. The arbitrator will retain jurisdiction for 30 days for the sole purpose of resolving disputes concerning the remedy.¹



Jacalyn J. Zimmerman, Arbitrator
August 21, 2017

¹ The Union's request that the Grievant be allowed to use accumulated time to satisfy the suspension is a question of remedy that is not ripe for decision at this time.